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IN MEMORIAM
BERNARD MOSES

PERIODICAL
STACK

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ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1900.

IN TWO VOLUMES.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1901.

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BERNARD MOSES

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LETTER OF SUBMITTAL.

SMITHSONIAN INSTITUTION,
Washington, D. C., June 13, 1901.

To the Congress of the United States:

In accordance with the act of incorporation of the American Historical Association, approved January 4, 1889, I have the honor to submit to Congress the annual report of that Association for the year 1900.

I have the honor to be, very respectfully, your obedient servant,

S. P. LANGLEY,
Secretary.

Hon. THEODORE ROOSEVELT,
President of the Senate.

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ACT OF INCORPORATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York, their associates and successors, are hereby created in the District of Columbia, a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said Association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said Association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said Association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portions thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said Association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum at their discretion, upon such conditions and under such rules as they shall prescribe.

[Approved January 4, 1889.]

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LETTER OF TRANSMITTAL.

AMERICAN HISTORICAL ASSOCIATION,
OFFICE OF THE SECRETARY.
SMITHSONIAN INSTITUTION,
Washington, D. C., June 13, 1901.

SIR: In accordance with the act of incorporation of the American Historical Association, I have the honor to transmit herewith a general report of the sixteenth annual meeting of the Association held at Detroit and Ann Arbor, Mich., December 27–29, 1900, accompanied by some of the papers read and discussed at that meeting; also a very valuable report by the Public Archives Commission of this Association, prepared under the direction of Prof. William MacDonald, chairman of the commission.

Very respectfully,

A. HOWARD CLARK,
Secretary.

Mr. S. P. LANGLEY,
Secretary, Smithsonian Institution.

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CONSTITUTION.

I.

The name of this society shall be The American Historical Association.

II.

Its object shall be the promotion of historical studies.

III.

Any person approved by the executive council may become a member by paying $3; and after the first year may continue a member by paying an annual fee of $3. On payment of $50 any person may become a life member exempt from fees. Persons not residents in the United States may be elected as honorary or corresponding members, and be exempt from the payment of fees.

IV.

The officers shall be a president, two vice-presidents, a secretary, a corresponding secretary, a curator, a treasurer, and an executive council consisting of the foregoing officers and of six other members elected by the Association with the ex-presidents of the Association. These officers shall be elected by ballot at each regular annual meeting of the Association.

V.

The executive council shall have charge of the general interests of the Association, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

VI.

This constitution may be amended at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the executive council.

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AMERICAN HISTORICAL ASSOCIATION.

Organized in September, 1884. Incorporated by act of Congress, 1889.

OFFICERS FOR 1901.

PRESIDENT:

CHARLES FRANCIS ADAMS, LL. D.,
Boston, Mass.

FIRST VICE-PRESIDENT:

HERBERT B. ADAMS, Ph. D., LL. D.,
Baltimore, Md.

SECOND VICE-PRESIDENT:

ALFRED THAYER MAHAN, D. C. L., LL. D.,
New York City.

SECRETARY AND CURATOR:

A. HOWARD CLARK,
Curator Department American History, Smithsonian Institution,
Washington, D. C.

CORRESPONDING SECRETARY:

CHARLES H. HASKINS, Ph. D.,
Madison, Wis.

TREASURER:

CLARENCE W. BOWEN, Ph. D.,
130 Fulton street, New York City.

SECRETARY OF THE CHURCH HISTORY SECTION:

SAMUEL MACAULEY JACKSON, D. D., LL. D.,
New York City.

EXECUTIVE COUNCIL:

In addition to the above-named officers.
(Ex-Presidents of the Association members of the Council ex officio.)
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Ithaca, N. Y.

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President Wisconsin University, Madison.

JAMES B. ANGELL, LL. D.,
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JAMES SCHOULER, LL. D.,
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GEORGE P. FISHER, D. D., LL. D.,
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JAMES FORD RHODES, LL. D.,
Boston, Mass.

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Joshua's Rock, Lake George, N. Y.

(Elected members of the Council.)

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JAMES BURRILL ANGELL, LL. D., 1891–93.
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CHARLES H. HASKINS, PH. D., 1900—

TREASURER.

CLARENCE WINTHROP BOWEN, PH. D., 1884—

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The term of office is indicated by the dates following the name.
Deceased officers are marked thus †

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Committee on the programme of Washington meeting: Prof. Charles H. Haskins, chairman; Prof. George B. Adams, Dr. Samuel M. Jackson, Prof. William MacDonald, President Lyon G. Tyler, and Prof. J. M. Vincent.

Local committee of arrangements: Gen. A. W. Greeley (with authority to complete the committee).

Board of editors of American Historical Review: William M. Sloane, Albert Bushnell Hart, Harry Pratt Judson, Andrew C. McLaughlin, H. Morse Stephens, and George B. Adams.

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VOLUME II.

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I.—REPORT OF PROCEEDINGS OF SIXTEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.

DETROIT AND ANN ARBOR, DECEMBER 27–29, 1900.

By A. HOWARD CLARK, Secretary.

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REPORT OF PROCEEDINGS OF THE SIXTEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.[1]

By A. Howard Clark, Secretary and Curator.

The act of incorporation of the American Historical Association, approved January 4, 1889, provides that it shall have its principal office at Washington City, and that it may hold its annual meetings in such places as the incorporators shall determine. Under this authority meetings have been held in Washington, Chicago, Cleveland, New York, New Haven, and Boston. At the New Haven meeting in 1898 it was decided that future meetings be held alternately in the East, the West, and at Washington. Accordingly Boston was fixed upon for the 1899 meeting, Detroit for 1900, and Washington for 1901.

The sixteenth annual meeting convened in Detroit on December 27, 1900, and for three days in that city and in Ann Arbor, sessions were held for the reading and discussion of papers and topics pertaining to history, and for the transaction of the business of the Association.

The condition of the Association was shown by the reports of the officers and various commissions and committees to be very active and prosperous. The membership has increased to more than 1,600, residing in all parts of the country, and including the large majority of professional writers and teachers of American history, besides many representative men interested in the study of facts and problems connected with America's past and their relation to the future of the nation in all its phases of social and political life. The popular interest in American history has very greatly increased during the last decade. There are now nearly four hundred local

[1] An account of this meeting is printed in the April, 1901, number of the American Historical Review, and has been used in part in preparing the present report.

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historical societies in the United States, and the majority of them issue publications of more or less national or local importance. The study of history in schools and colleges is yearly becoming more specialized, and since the report of the Committee of Seven of this Association was distributed there has been quite a general remodeling of courses of study in history.

The American Historical Association has published since its organization in 1884 a series of 23 octavo volumes, containing several hundred papers bearing on American history and the study of history in America, and including several exhaustive bibliographies of historical works, particularly a bibliography of the publications of all the historical societies of the United States and Canada. The annual report for 1899 was in two large volumes, the second volume comprising the correspondence of John C. Calhoun, edited by Professor Jameson.

The Government now prints 7,182 copies of each annual report, which includes the document edition of 1,682 copies used by Congress and distributed to designated depositaries throughout the country, 2,000 copies placed at the disposal of Representatives and 1,000 copies for Senators, while the remaining 2,500 copies are distributed to the larger historical societies of the world, in exchange for their publications, and to members of the Association.

There were seven sessions of the Association at the Detroit meeting. One devoted to the inaugural address, one was a joint session with the American Economic Association, one was given to the history of the crusades and the East, one to the church history section, one to Western history, one to British history and history of the United States, and one session was devoted to Association business. The first session was called to order in the convention hall of the Russell House, Detroit, at 10.30 a. m., Thursday, December 29. Ex-President Rhodes presided in the absence, through illness, of President Eggleston, and Vice-Presidents Moses Coit Tyler and Charles Francis Adams. Dr. Herbert B. Adams, the secretary, also being absent through illness, Assistant Secretary Clark performed the duties of that office.

The first paper of the meeting was by Prof. George L. Burr, of Cornell University, on "The year one thousand and antecedents of the crusade." Mr. Burr told of the results obtained

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from the researches of the past two years, and, by the way, exploded a theory that has been long maintained. This theory was that, in view of the nonappearance of the panic prophesied for the year 1000, the crusade following was organized spontaneously as a means of thanksgiving that the world had not come to an end. Mr. Burr offered the proof against this theory that has resulted from the before-mentioned researches.

Following Professor Burr was heard Dr. James B. Angell, who talked on "The Turkish capitulations." Dr. Angell, whose paper appears in full in another part of this volume, said that since the conquest of Constantinople in 1453 the relations of the Western nations to the Ottoman Empire have been mainly determined by the decrees of the sultans. These, being divided into chapters, are called capitulations. They were personal grants to foreigners, by the sultans, of privileges and powers. The paper set forth the chief modifications in the concessions of the capitulations which have been made in modern treaties. Most of the nations except the United States have surrendered in large degree exterritorial jurisdiction. Serious difficulties are encountered by us in attempting to exercise such jurisdiction, because the Sultan denies that the treaty of 1830, which defines our relations to Turkey, grants us the right, and also because many Armenians, naturalized in this country, return to their native land, and the validity of their naturalization is denied by the Sultan. The Turkish Government contends that the treaty which we publish is not a true copy of the treaty negotiated in 1830. There is great need of a revision of our treaty, said Dr. Angell, so that the two nations may come to an understanding concerning the rights of our citizens in Turkey.

Prof. Oliver J. Thatcher, of the University of Chicago, treated in his paper our sources of information of the Crusades, and was followed in the discussion by Profs. Archibald Coolidge and Alfred L. P. Dennis, both of Harvard. Professor Thatcher's paper is printed in full in this volume.

The afternoon meeting of the church history section drew about sixty people to listen to papers on ecclesiastical subjects. Dr. Samuel Macauley Jackson, of the University of New York, presided.

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The first speaker was Prof. George James Bayles, of Columbia University. Professor Bayles spoke on "American ecclesiology," and his paper appears in full in this report.

Professor Bayles was followed by Prof. Francis A. Christie, of Meadville Theological School, who said:

On the basis of the Chronicon of Eusebius the date most often assigned to the Ignatian Epistles is about 100 A. D. The Eusebian date, derived ultimately from Julius Africanus, seems to rest upon the dogma that the bishops of Antioch were in direct succession from Peter, Ignatius being named by tradition as the second after Peter. This belief that the monarchic episcopate was an apostolic institution being untenable, we are obliged to date the letters by internal evidence. The contents favor a date under Hadrian. The chief heresy attacked is the Doketic denial of the flesh of Christ and the consequent withdrawal from the Eucharist as celebrated by the parish bishop. From the language of Ignatius it is clear that the bishop is viewed as a signal instance of the immanence of Christ in the flesh, and the Eucharist is a means of providing divine incorruptibility to human flesh.

Ignatius and Polycarp preach not so much against gnostic speculations concerning the upper world as against that element of thought which they recognize as inconsistent with the Eucharistic life of the Church. They write therefore before the gnostic speculations were combated by means of the Logos doctrine, but at a time when Doketic conceptions of Christ are becoming known in the churches of Syria and Asia Minor. Such views seem not to be known in those regions until the appearance of Saturnilus, Cerdon, and Marcion. These heretic teachers can not have been active before 130 A. D., and the tradition concerning their relations to Christian churches corresponds to the indications given in the Ignatian letter. The allusion in Polycarp's Epistic, Chapter VII, is plainly an allusion to Marcion, the absence of any reference to the distinction of Creator and Redeeming God being explicable by a date before Marcion's literary activity began.

Dr. Jackson announced that owing to the unavoidable absence of Dr. Arthur C. McGiffert, of Union Theological Seminary, he would read the doctor's paper on "The origin of the Apostles' Creed." The paper stated that several writers have endeavored to place the date at which what is now known as the "Apostle's Creed" was written in the sixth century, in Spain and in Gaul. The probability is that it came into existence much earlier. Its origin was had undoubtedly in the old Roman "symbol," a briefer form of practically the same thing. This was introduced into the church of Rome early in the fourth century, and is traceable back to the beginning of the second century.

Dr. McGiffert records that the use of the Roman symbol started between 150 and 175 A. D. It must have originated

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in Rome, for it can be traced back to that date in that region, and in no other. It was a form of words in which the newly converted was to declare his faith. The question has been raised as to the possibility of determining the reason for its being a confession of faith and no promise of conduct. Before the time when its use began many people were preaching views which the apostles regarded as heretical, and this was the cause for the Roman symbol. The very omissions of the creed, as well as its statements, point to the fact that it was used as a protection against error. The word "Father" meant either Maker or Creator, and was used to express the concept of Lord of the world. The second part, in regard to belief in Christ, is significant also from its omissions. These are not to be set down as the results of a need for brevity. It emphasizes that although Christ was crucified He was still worthy of being a leader—a view which was difficult of acceptance by many people of the time. The sentences which follow are apparently designed to show the earthly character of Christ's life on earth. His birth, crucifixion, and death, His burial and ascension were anti-Doketic. It was the actuality of His birth and not its unique quality upon which stress was laid. Neither heathens nor gnostics had any difficulty in forming the concept of several spiritual beings. The use of the words "Holy Spirit" was not introduced as a rebuke. The reference to the belief in the holy church was set over against the gnostic denial of the holiness of the church itself. It emphasized the existence of a veritable, empiric church. The article on the remission of sins was placed in the creed for the purpose of showing the spiritual side of the belief of the time.

Between 300 and 400 people gathered at the Central M. E. Church on Thursday evening to attend the joint meeting of the American Historical Association and the American Economic Association. The inaugural address of Prof. Richard T. Ely and Dr. Rhodes's address, which took the place of one which was to have been read by President Eggleston, of the American Historical Association, made up the programme.

President Ely introduced Mayor Maybury as the first speaker, and the mayor heartily welcomed the members of both associations to Detroit. "We have a city rich in historical story here," he said, "and it is with unusual interest

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that I welcome you. Believe me, it is no perfunctory duty that I perform. The character of the work that you are doing—in studying historical and economic subjects—makes you valued guests to a city like ours, where history and finance are alike represented."

At the conclusion of the mayor's remarks, President Ely thanked him in the name of the associations, and paid a high tribute to the city of Detroit. President Ely's inaugural address was the second speech of the evening and was a discussion of economic competition. He said that competition, in a large sense, means a struggle of conflicting interests; economic competition is a struggle of conflicting interests for wealth. "But is all struggle for wealth competition? If I knock you down and rob you, is that competition? If I fit out an armed ship and prey upon the commerce of the world, is that competition? If I cheat you, is that competition? Not every struggle of conflicting interests is to be denominated competition. The competitive struggle is limited by law, and its boundaries are further fixed by the social order within the framework of which we live. But even with these limitations placed upon the struggle, we do not have a sufficient idea of economic competition. We must bring to mind also the great principle of evolution, which is present wherever there is life."

Following the address, Dr. James Ford Rhodes was introduced. He read his paper rapidly, but with clear enunciation. His topic was concerning the Writing of History, and in the main was a continuation of his address delivered at the Boston meeting and printed in the last report. He spoke quite fully of historical originality. The first topic was the employment of some sources of information open to everybody, but not before used. A significant case of this in American history is the use which Dr. Von Holst made of newspaper material. In the part of his history covering the period 1850–1860 he made an extensive and varied employment of newspapers by studying the files themselves. As the aim of history is truth, and as papers fail sadly in accuracy, it is not surprising that many historical students believe that examination of newspapers for any given period will not pay them for the labor and drudgery involved. But Dr. Von Holst used this material with pertinence and effect; his touch was nice. In that

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decade facts were to be found in the newspapers which were nowhere else set down. Public men of commanding position were fond of writing to the journals with a view to influencing public sentiment. Men made speeches that one must read which he will find nowhere else than in the journals. The immortal debates of Lincoln and Douglass were never put into a book until 1860—existing previously only in newspaper print. Newspapers were sometimes important in fixing a date and in establishing the whereabouts of a man. If, for example, a writer asserts that President Lincoln went to see Edwin Booth play "Hamlet" in Washington in February, 1863, and by a consultation of newspaper theatrical advertisements one finds that Edwin Booth did not visit Washington in that month, one knows there has been a misstatement.

Dr. Rhodes closed his paper, given in full on another page of this volume, with a series of commentaries on the relative value of the well-known writers of history. Herodotus, Thucydides, Tacitus, Macaulay, Addison, Froude, and Langlois were criticised by the speaker, and something good was found in each subject to the caution against too hasty generalizations.

On Friday morning a special train took the members of the American Historical Association and the American Economic Association to Ann Arbor. The members were received in Sarah Caswell Angell hall by President Angell, of the university. The hall was only recently dedicated, and it made a pleasant place in which to hold the meeting.

Dr. Angell, in his official capacity, made the vistors welcome, saying that Ann Arbor was a peculiarly fitting place for such organizations to hold a convention.

We esteem it a high honor that you have chosen this place for a meeting. The objects of your work, the seeking after historical and economic truths, have long been cherished in this institution. Your former president, Andrew D. White, gave his famous course of lectures here, and his pupil and successor, Charles Kendall Adams, began his plan of giving seminary work in history in this place. No body of men could receive a warmer welcome or find a more congenial atmosphere than here. We are glad that you have joint meetings. The explanations for the prosperity or the decline of nations were not given prominence in former years. We have had enough and to spare of the doings of princes and the battles of warriors, but economics have not until recently been discussed with that attention which they deserve. Industrial history, too, has been somewhat neglected by former writers. The text-books were full of a priori reasonings, and they often led to erroneous conclusions. One of the best features

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of modern study of economics is the attention which is being paid to industrial history and to evolution in all its many and diverse relations. I am glad that you are here to discuss colonial problems; there is no subject upon which this country needs more light and advice at present than upon that concerning colonies and dependencies.

President Ely, of the American Economic Association, returned thanks to President Angell, calling attention to the fact that the university was the crowning glory of the State, and also to the distinguished diplomatic services which Dr. Angell had rendered to his country. "I feel that we are meeting under very favorable auspices," he said.

Owing to the unavoidable absence of Prof. Paul S. Reinsch, of the University of Wisconsin, his paper on "French experiments with political assimilation in the West Indies," was read by Prof. Charles H. Haskins, of the same university. He spoke of the French as having gone further than any other nation in the attempt to assimilate the populations of their dependencies and colonies. Ever since the French revolution the rationalist ideals of universal brotherhood and progress, of liberty and equality, to which Rousseau and Condorcet had given currency, have been of predominant influence in French politics. They lead to the attempt to incorporate the older colonies, the Antilles, Guiana, French India, and Senegal, into the French nation, by given them representation in the national parliament and by assimilating their internal administration to that of a French department. Representation in the national parliament has had the effect, primarily, of giving importance to the colonial deputies. But the colonies whom they represent have not apparently gained much benefit. Considerations of personal power and patronage seem to have been uppermost. Similarly the representative local councils have given themselves over largely to the machinations of an acrid personal and factional struggle for influence and patronage. Thus the small colonies have become the epitome of all social ills—the spoils system, electoral corruption, bitter personal feuds, race hatred, socialist agitation, strikes, and the necessity of armed suppression.

England has not used the method of representation with manhood suffrage in any of her tropical colonies. There are practically two kinds of English colonies, the self-governing, with responsible cabinets, and the Crown colonies, where the

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real power is in the hands of the administration. In the latter the colonies are generally only advisory, and representative not of numbers but of certain industrial interests, such as commerce or agriculture. It is this system that modern nations are coming to favor for tropical colonies; an administration by officials familiar with local conditions, unhampered by constant interference on the part of the home government; assisted—not antagonized—by an appointive council, representative of economic interests, not of mere numerical aggregate. Professor Reinsch thinks that what these regions need is not politics, but administration by a highly-trained independent service. Spain sterilized her colonies by constant attempts at assimilation. France is at present recognizing the mistakes of her older policy. England and Holland have interfered but little with native customs, but have given their colonies an effective economic administration. The idea that colonial populations should have the same laws, the same religion, language, literature, and governmental machinery as the mother country is rapidly being outgrown.

"The turning points in the history of British administration in India" formed the topic of an address by Prof. H. Morse Stephens, of Cornell University. Pro´essor Stephens spoke without notes or manuscript. His ideas were clear and he punctuated his sentences with sallies of dry humor that put his audience on his side at once. He said he would be the last one to deny that many great and serious mistakes have been made by England in India; but they all seem to have been made in good faith—they have that mitigation. The whole trouble has been caused by a lack of understanding on the part of Europeans of the Asiatic peoples. Administration, he said, should be based on the ideals of the peoples, and not on exaggerated opinions of the beauties of the style of the home government.

The address was a synopsis of his forthcoming work on the subject. He divided it as follows:

1. The desire to place the English Government in the same position as the Roman Empire toward her colonies. This was advanced by Warren Hastings, who discouraged missionaries. His administration was carried out upon native lines. This was upheld from 1772 to 1828.

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2. 1828–1857. During this period came the abolishment of many of the evil native customs. The administration of Sir William Bentinck was reformatory. Missionaries were permitted.

3. The period from 1857 (following the Indian mutiny) until 1872 marks the period of reconstruction. It was a period of great administrative efficiency. This period ended in administrative decentralization.

4. The last period recognized that India was a land of many races, conditions, and religions. The system shows that many mistakes have been made, but the mistakes have been made in good faith.

Dr. J. H. Hollander, treasurer of Porto Rico, was to have read a paper on "The finances of Porto Rico," but his duties would not permit him to leave the island, and he was unable to send his manuscript to be read by someone else. It was therefore necessary to omit his paper from the programme.

Prof. John H. Finley, of Princeton University, who spent some time in the island, read an entertaining paper on "Our Porto Rican policy." It was to have been, in a sense, a continuation of the paper by Dr. Hollander, and on this account he was obliged to give a brief résumé of the conditions which prevail in the fiscal branch of the administrative department of Porto Rico. He said that so long as there are untouched or undeveloped lands the people of the temperate zone will continue to develop them. Climatic difficulties will be more and more done away as improved methods of communication and transportation are developed and as medical science advances in the knowledge of the destruction of pathogenic germs. The whites predominated in Porto Rico, and they had had some experience in practical government. Many of the natives were familiar with our language, manners, and customs. The difficulties of securing revenue can hardly be overestimated. A system of taxation along lines similar to those in the United States is contemplated for the islands, when the revenue from the tariff shall have ceased from the limitations set forth in the bill. At present the franchise is virtually free of restriction. At the last election 130,000 registered. Now, as the total voting population is about 200,000, and 85 per cent of these are illiterate, while only 26,000 are taxpayers, it can readily be seen that the restrictions are not

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rigidly enforced. From a somewhat hasty view of the island and its people Professor Finley said he was led to the conclusion that neither complete independence nor early admission into the United States would be desirable for Porto Rico. A territorial form of government is the thing for the natives at present. It is the form desired by the people of the island themselves, and it is one which, while it is in harmony with our past, is not a menace to our future.

The discussion which followed the papers was taken part in by Prof. Henry E. Bourne, of Western Reserve University, Prof. Charles H. Hull, of Cornell University, and others. The trend of the arguments advanced was that the ideals of the people in new colonial possessions should be regarded as much as possible in the formation of a government for them.

At the close of the morning session Dr. Angell announced the death of Prof. Moses Coit Tyler at Ithaca.

Room C in the new university building was the place of meeting for the afternoon session of the historical association, and the large lecture room was well filled with devotees of history when President Angell called the meeting to order. Between 250 and 300 people listened with attention to a trio of historical papers involving Western history. The paper by Prof. B. F. Shambaugh, of the University of Iowa, on "Frontier land clubs or claims associations," was omitted owing to his illness, but is printed in this volume. Dr. Angell introduced as the first speaker Prof. Edward G. Bourne, of Yale.

In a paper on the widely circulated story of how Marcus Whitman rode to save Oregon to the United States in 1842–43 Professor Bourne showed that Whitman came East at that time on business relating to his mission, and that the accounts ordinarily given of the circumstances and purpose of his journey are entirely untrue. The professor then described the origin and purpose of this fictitious narrative and showed how it had been perpetuated since then in State and national histories, text-books, and encyclopedias. He illustrated the extent of the diffusion of this fiction by showing that in the vote for the Hall of Fame Whitman received more votes than Senator Benton, Chief Justice Chase, and General Scott, and the same number as President Monroe.

At the conclusion of Professor Bourne's paper, Prof. William I. Marshall, of Chicago, gave an interesting account

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of the same matter, which appears in full on another page. He was followed by Mr. Ripley Hitchcock, who paid a tribute to the intrepid Westerner.

Prof. Samuel B. Harding, of Indiana University, read a monograph on the party struggles in Missouri between 1861 and 1865, giving a picture of the action that took place in that State, which was so sadly harassed by her own people and their political biases. His paper appears in full on another page of this report.

Following Professor Harding, Prof. Frank H. Hodder, of the University of Kansas, was introduced. His paper was a description of a curious error which had been the cause of a peculiar phase of the second Missouri compromise and which had its effect in lengthening the debate in regard to the Territory's admission into the Union as a State. The first attempt at admission was through a preamble drawn up by the inhabitants of the Territory, who styled themselves citizens of "the free and independent republic of Missouri." One of the provisions of the proposed constitution was that no free negroes or mulattoes should ever settle within the confines of the Territory. It was this clause which gave rise to the trouble. Professor Hodder said:

> In 1821, when the second Missouri compromise went through, it was stated that the Federal Constitution could never be construed so as to exclude any citizen of the country from the enjoyment of his rights. This statement gave rise to discussion, and those who were opposed to the admission of Missouri pointed out the clause which was at variance with this decision. By some strange mistake the right clause was not named, and much of the debate against the admission of the Territory was on a false basis. Whether the mistake was an intentional one or not I do not know, but there is no mention of it in any books that I have been able to find, and the unique quality of the error, if it was one, seems to me to deserve a passing mention.

The discussion was led by Prof. Jesse Macy, of Iowa College, and Mr. Reuben G. Thwaites, secretary of the State Historical Society of Wisconsin.

At the Saturday morning session Prof. Wilbur C. Abbott, of Dartmouth, described the results of an investigation into the history of the opposition in Parliament during the time of the American war, and especially in the Parliament of 1774–1780. At first the opposition usually numbered only forty or fifty. By the beginning of 1776 it had increased to

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eighty or ninety. While the surrender of Burgoyne had no effect upon it, the news of the French alliance immediately added forty or fifty members. Speaking generally, it was not till this time that the country gentlemen began to go over. From this point the opposition steadily increased till Dunning's motion was carried. Dr. Abbott described the nature of the ministerial party and its resulting liability to sudden collapse; the influence of army officers discredited by the Government because of defeat; the small effects of the accession of Fox. He concluded that the American war had less influence on Parliament than was commonly supposed, and that enlistments were not so difficult, nor the war so generally unpopular as has been thought.

Owing to the unavoidable absence of Sir John Bourinot, of Ottawa, Canada, who was to have read a paper on "The breakdown of the old colonial system in Canada," this number was not heard and Prof. William A. Dunning, of Columbia University, followed with a paper on "The breakdown of reconstruction." Professor Dunning declared that the men who dealt with the negro question in the middle of the century were narrow in their judgment, although strong in their emotion.

Contrasting the abundant possession of political power by the negroes in 1870, when reconstruction was complete, with their present exclusion from the exercise of political rights, he characterized the three chief periods of the process through which this has come about. The first period, which had already begun during the years of reconstruction, and was complete by 1877, was marked by the ejection of the blacks from the governments of the Southern States, especially through the "Mississippi plan" of systematic intimidation. The second, 1877–1890, during which the balance of national political parties made partisan Federal legislation impossible, while the judiciary rejected the civil rights acts, was the period of fraud as distinguished from force. The last decade had been marked by open assertion of the necessity of repression and of white rule, and by systematic endeavors, through constitutional revision, to legalize what had before been done illegally. Professor Dunning dwelt on the thoughts, that the problem of the coexistence of the two races in the United States could not be settled by the mere abolition

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of slavery; and that the undoing of reconstruction had shown that it could not be settled on the basis of equality.

In the discussion which ensued, Professor Hart, of Harvard, alluding to the various aspects under which the subject might be discussed, confined himself to the question how far success had been attained in the great endeavor to abolish the distinction of color in legal relations. He touched upon the abolition of slavery, the extent to which there was equality before the courts, the exclusion from the franchise, and the failure to secure social equality. Mr. Percy N. Booth, of Louisville, spoke of the drift of the Southern negroes into the black States, from the highlands into the lowlands, and away from the villages, the apparent tendency toward isolation of the races. Dr. Theodore Clarke Smith discussed the question, what the Republican leaders of the reconstruction movement expected. He showed that most were uncertain; that Stevens's aim was to secure party supremacy and the results of the war; that Sumner, Wilson, and Greeley, filled with the spirit of the liberalism of their generation, had no doubts. The negro was a man, therefore give him a vote. He was a man, therefore he would use it well. Stevens and many others thought that there would be enough Southern white Republicans to control him. Others, with some doubting, thought that he would soon learn. Others expected that his vote would always be so valuable to either side that he would be courted by both. Others thought that he would maintain his newly conferred rights only so long as supported by force. All predictions proved wrong except these last. The reasons why the Republicans had acquiesced in the recent situation were, first, that they had concluded that the dangers apprehended by Stevens were imaginary; secondly, because of the decay of the old-fashioned liberalism, of the belief in equal rights and abstract rights generally, and the substitution of an evolutionary philanthropy for that based on the earlier doctrines.

An informal meeting of both associations was held at noon at the Russell House, presided over by President James B. Angell. In his introductory remarks President Angell recalled the fact that fifty years ago there was no such thing as a chair of history or of economics in any American college or university. He referred to a Detroit engineer who, during

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the siege of the foreigners in Pekin, put his knowledge to such an extensive and practical use that he was honored by the British Government with a vote of thanks for his services.

Prof. Richard T. Ely, of the University of Wisconsin, recalled some of the important economic features of the year that is now closing, referring to the banking act allowing the establishment of national banks with a capital of $25,000; to the "burial" of the cheap money agitation and to the expansion of this country, in connection with which subject he stated that one member of the Economic Association is at present engaged in taking the census of Manila and another is treasurer of Porto Rico.

R. G. Thwaites, of Madison, secretary of the Wisconsin State Historical Association, spoke on "Idol smashing and romance," and gave some interesting material for romance work in connection with his own State.

W. Z. Ripley, of the Boston Institute of Technology, expressed his appreciation of the cordial treatment and hospitality of the West at this meeting, and Prof. A. B. Hart, of Harvard, on behalf of the two associations, tendered their thanks to the citizens of Detroit and Ann Arbor for their kindness, referring touchingly to the death of Prof. Moses Coit Tyler.

President Angell in return expressed the appreciation on the part of the two cities of the pleasure of the company of the two associations.

A session for the election of officers and for general business of the Association was held on Saturday afternoon.

The death of the first vice-president and the resignation of the secretary gave especial significance to the election of officers at this meeting. The second vice-president, Mr. Charles Francis Adams, of Massachusetts, was elected president of the Association; Prof. Herbert B. Adams, of Baltimore, the retiring secretary, first vice-president; Capt. Alfred T. Mahan, U. S. N., second vice-president. Mr. A. Howard Clark, hitherto assistant secretary, was elected secretary; Professor Haskins, corresponding secretary. Chief Justice Fuller and Professor Hart retiring from the council, Prof. A. Lawrence Lowell, of Harvard, and Prof. J. Franklin Jameson, of Brown University, were elected in their places. A minute expressing the society's appreciation of the long and effective

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services of Prof. Herbert B. Adams as secretary was adopted by a rising vote. Prof. Theodor Mommsen, of Berlin, was elected an honorary member. It was agreed that delegates should be elected to the International Historical Congress to be held at Rome in 1902. Resolutions expressing the sorrow of the members at the loss of Prof. Moses Coit Tyler were adopted by a standing vote. The project of a "Monographic history of America," to be issued under the auspices of the society, was discussed at some length. It was finally referred back to the council for further consideration and for discussion at the next annual meeting. There is given below a statement prepared by Professor Hart and sent out to members, by permsision of the council, shortly before the Detroit meeting.

The treasurer, Dr. Clarence W. Bowen, reported that the expenditures of the year had been substantially $5,335, and showed assets of $13,405, an increase of $824 since last year. Mr. Thwaites reported for the Historical Manuscripts Commission. Prof. Charles M. Andrews, of Bryn Mawr, chairman of the committee on the Justin Winsor prize, reported that it was awarded to Mr. W. A. Schaper, of Dubuque, hereafter to be a member of the faculty of the University of Minnesota, for an essay on "Sectionalism and representation in South Carolina." He also reported a code of rules for the award of the prize in future years. They were adopted by the meeting, and are printed on a later page. Reports were also made by Prof. George B. Adams, for the editorial board of the Review; by Prof. Edward G. Bourne, chairman of the committee on publications; and by Prof. William MacDonald, of Bowdoin College, chairman of the Public Archives Commission. Resolutions were adopted expressing thanks for the hospitality of those who have been mentioned above as entertaining the Association, and to the two committees who had assured the success of the meeting; and the Association adjourned.

PROJECT OF A COOPERATIVE HISTORY.

The committee appointed at Boston to consider a cooperative history of the United States has reported to the council in favor of the project, and will ask the council at the Detroit meeting to pass the following proposed vote:

Voted, That a standing committee of five be appointed to arrange for the

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publication of a cooperative history of the United States, under the auspices of the Association, on the following conditions:

1. The committee to have power to decide on the scope and extent of the work; the publication to be made in small volumes, each complete in itself so far as it goes.

2. The committee to have power to choose an editor in chief, to carry on the work, subject to the determinations of the committee, which will represent the Association.

3. The committee to have power to make publishing arrangements.

4. The Association in no case to have any pecuniary responsibility or liability for any expense connected with the history.

5. The committee to report annually to the Association until the work is finished.

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The American Historical Association in account with Clarence W. Bowen, treasurer.

DR				CR.	
1900.			1899.		
Dec. 22	To paid treasurer's clerk hire, postage, printing, etc., vouchers 1, 6, 10, 15, 13, 23, 24, 28, 30, 31, 32, 34, 38, 40, 47, 48, 51, 55, 56, 57, 58, 60, 67, 73, 84, 85, 86, 89, 8, 21, 41, 65, 71	$383.82	Dec. 23	By balance on hand	$1,331.22
	secretary's expenses, vouchers 11, 17, 26, 75, 83, 88	476.65	1900.		
	assistant secretary's expenses, vouchers 18, 19, 27, 45, 46, 70	264.00	Dec. 22	1,602 annual dues, at $3	4,806.00
	Public Archives Commission expenses, vouchers 22, 35, 43, 44, 82	166.40		7 annual dues, at $3.10	21.70
	Historical Manuscript Commission, vouchers 76, 77, 69, 62, 52	471.33		2 annual dues, at $3.02	6.04
	American Historical Review, vouchers 4, 7, 12, 14, 16, 25, 36, 42, 49, 50, 53, 54, 59, 61, 63, 64, 66, 68, 72, 74, 80, 87	3,165.45		1 annual dues	3.25
	Public Printer, vouchers 20, 78	7.30		1 annual dues, settlement of estate	1.50
	making index of annual report, voucher 79	32.50		5 life members, at $50	250.00
	committee on publication, church history section, voucher 39	4.41		interest on bond and mortgage	487.50
	loan on bond and mortgage, voucher 33	4,500.00		sale Bank of Commerce stock	2,880.00
	attorney fees making loan, voucher 37	22.48		sale Bank of New York stock	1,308.75
	dockets, voucher 81	3.50		sale of publications	40.00
	auctioneer selling bank stocks, voucher 29	14.55		dividend Bank of Commerce	64.50
	expenses entertainment committee; annual meeting 1899, vouchers 2, 3, 5, 9	292.70		dividend Bank of New York	25.00
	To balance to new account	1,404.72		rebate of tax on bank stocks	14.35
		11,289.81			11,289.81
			1900.		
			Dec. 22	By balance on hand	1,404.72

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Your treasurer reports that on April 12, 1900, by the advice and direction of the committee on finance, he sold 10 shares of stock of the National Bank of Commerce for $2,880, and 5 shares of the Bank of New York N. B. A., for $1,808.75, and reinvested the proceeds in a bond and mortgage on the property, 68 Prince street, New York City, being the same property upon which the association previously held mortgage for $7,500. The total amount of the bond and mortgage on this property now held by the association is $12,000.

The assets owned by the association are bond and mortgage, $12,000; cash in National Park Bank, New York, $1,404.72; total, $13,404.72, a gain during the year of $823.72.

Respectfully submitted.

CLARENCE W. BOWEN, *Treasurer.*

NEW YORK, *December 26, 1900.*

The undersigned, auditing committee, have examined the foregoing account of the treasurer, with accompanying vouchers, and find the same to be correct. Satisfactory evidence of ownership of the assets of the association, as stated in the report, have also been submitted to our inspection.

BRYANT WALKER,
A. McF. DAVIS.

DETROIT, *December 27, 1900.*

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PRESENT ACTIVITIES OF THE ASSOCIATION.

The following list enumerates the present leading activities of the American Historical Association:

(1) The annual meeting of the association held during the Christmas holidays in the East or the West or the District of Columbia in triennial succession.

(2) The annual report of the secretary of the association concerning the annual meeting and its proceedings, with the papers, bibliographies, and other historical materials submitted through the Secretary of the Smithsonian Institution for publication by Congress.

(3) The Historical Manuscripts Commission of five members, established in 1895, and now receiving from the association a subsidy of $500 a year for the collection and editing of important manuscripts. Prof. Edward G. Bourne, New Haven, Conn., chairman.

(4) The preservation of historical exchanges, books, pamphlets, reports, and papers of the association in the National Museum at Washington, D. C., in the keeping of Mr. A. Howard Clark, secretary of the association and curator of the historical collections.

(5) The committee of seven, established in 1896, for promoting the study of history in secondary schools, Prof. A. C. McLaughlin, chairman.

(6) The Public Archives Commission, established in 1899, for investigating the public archives of the several States and of the United States, under the chairmanship of Prof. William MacDonald, of Brown University.

(7) Committee of three, to consider the possibility of unifying the public repositories of historical manuscripts in Washington. Dr. James Ford Rhodes, chairman.

(8) Committee on bibliography, to advise the executive council and to cooperate with the American Library Association upon matters of bibliographical interest. Mr. A. Howard Clark, chairman.

(9) A general committee, representing the local and State historical interests of the association, Prof. C. H. Haskins, chairman.

(10) The "Justin Winsor prize" of $100 for the best unpublished monographic work, based upon original investigation in American history. Prof. C. M. Andrews, chairman of the committee.

(11) The church history section, which continues the work of the American Society of Church History, was originally an institutional offshoot of the American Historical Association in 1888, but in 1896 it became an organic part of the association, with Dr. Samuel Macauley Jackson as secretary of the section.

(12) The American Historical Review, published quarterly, and subsidized by the American Historical Association, whose executive council fill vacancies in the board of editors.

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MINUTES OF THE BUSINESS MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD IN THE CONVENTION ROOM OF THE RUSSELL HOUSE, DETROIT, MICH., AT 3 P. M., DECEMBER 29, 1900.

Mr. James Ford Rhodes in the chair. In Mr. Clark's absence, Prof. A. B. Hart acted as secretary at the opening of the meeting and Mr. Haskins during the latter part of the session.

Mrs. George O. Robinson moved the appointment of a committee of ladies, whose duty it should be to arrange for the providing of suitable social gatherings of ladies in attendance upon the meetings of the association. The motion was carried, and the chair appointed as such committee Mrs. George O. Robinson, of Detroit, and Miss Ida M. Tarbell, of New York.

The report of the assistant secretary was read and accepted.

The report of the council was then presented by Professor Hart. The following appointments made by the council were announced for the ensuing year:

ANNUAL COMMITTEES.

Committee on programme for the seventeenth meeting.—Charles H. Haskins (with authority to complete the committee at his discretion).

Local committee for the seventeenth meeting.—Gen. A. W. Greely, U. S. A. (with authority to complete the committee at his discretion).

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Editors of the American Historical Review.—William M. Sloane, Albert Bushnell Hart, Harry Pratt Judson, Andrew C. McLaughlin, H. Morse Stephens, George B. Adams (reelected for term expiring January 1, 1907).

Committee on bibliography.—A. Howard Clark, W. E. Foster, A. P. C. Griffin, George Iles, William C. Lane, J. N. Larned, E. C. Richardson.

Committee on the History of Colonies and Dependencies[1]—George L. Burr, Henry E. Bourne, J. H. Latané, John B. Moore, F. Wells Williams (with power to fill vacancies till the next meeting of the council).

Historical Manuscripts Commission.—Herbert L. Osgood,[2] Max Farrand, Frederick W. Moore, Theodore C. Smith, Reuben G. Thwaites.

Committee on Justin Winsor prize.—C. M. Andrews, E. P. Cheyney, Miss Elizabeth Kendall, Roger Foster, E. E. Sparks.

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[1] Professor Burr found it impracticable to serve and the council discontinued this committee.

[2] Professor Osgood found it impossible to serve and Prof. E. G. Bourne has been appointed in his place.

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Public Archives Commission.—William Macdonald, Lester G. Bugbee, H. W. Caldwell, David J. Hill[1] (with power to add adjunct members and to fill vacancies till the next meeting of the council).

Committee on publications.—E. G. Bourne, A. Howard Clark, F. M. Fling, S. M. Jackson, A. D. Morse, Miss Sarah M. Dean, E. F. Henderson, Charles Gross.

General committee.—The corresponding secretary, Miss Lucy M. Salmon, George E. Howard, William Macdonald, James H. Robinson (with power to add adjunct members).

The council proposed an amendment to the constitution of the Association, Section IV, changing the words "an assistant secretary" to "a corresponding secretary," so that the clause should read:

"The officers shall be a president, two vice-presidents, a secretary, a corresponding secretary, a curator, a treasurer, and an executive council consisting of the foregoing officers and of six other members elected by the Association with the ex-presidents of the Association. These officers shall be elected by ballot at each regular annual meeting of the Association."

The amendment was duly adopted by the Association.

The council recommended that the next meeting of the Association be held in the city of Washington in April, 1902. On motion of Professor Coolidge, the motion was amended by changing the time to the Christmas holidays, the exact date to be fixed by the committee on programme in conference with the officers of the American Economic Association.

The council reported that it had elected Dr. Theodor Mommsen an honorary member of the Association; and that it had accepted, on behalf of the Association, an invitation to send delegates to the historical conference to be held in Rome in the year 1902, under the direction of Prof. Ettore Pais, of the University of Naples.

The resignation of Secretary H. B. Adams was received and the following minute was adopted:

"Recognizing with reluctance the necessity of accepting the resignation of Prof. Herbert B. Adams, of the office of secretary, on account of his continued ill health, the Association desires to place upon its records an expression of its high appreciation of his services.

"Secretary of the Association from its beginning, no one had more to do than he with its founding and successful organization, nor has anyone given greater aid, with wise counsel and generous loyalty, to its expanding usefulness. Ever ready for any labor, however great, open minded toward every suggestion of new possibilities, always forgetful of himself and mindful only of the interests of the Association, he has been during these years a most efficient officer. The Association regrets that this connection, so useful to itself, is now terminated, and is glad to believe that, in some new capacity, it may still have the advantage of his counsels.

"The secretary is instructed to send to Mr. Adams a copy of this minute, and to convey to him the most hearty esteem of the members of the Association and their best wishes for the future."

[1] Mr. Hill declined appointment and Dr. J. M. Vincent has been appointed to the vacancy.

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On motion of Judge Simeon E. Baldwin, the Association adopted the following resolution in regard to the death of Prof. Moses Coit Tyler:

"*Resolved*, That the American Historical Association has received with deep regret the intelligence of the death of our first vice-president, Prof. Moses Coit Tyler, which occurred during this annual meeting.

"The contributions to American historical literature from his graceful pen have been numerous and important, and his associates in this body feel the loss of a wise leader and cherished friend."

The report of the treasurer and auditing committee was accepted and placed on file.

The Association then proceeded to the election of officers for the ensuing year. Professor Judson, chairman of the committee on nominations, presented the following candidates, for whom the secretary was directed to cast the ballot of the Association: For president, Charles Francis Adams; for first vice-president, Herbert B. Adams; for second vice-president, Capt. A. T. Mahan; for secretary, A. Howard Clark; for corresponding secretary, Charles H. Haskins; for treasurer, C. W. Bowen; for councillors, George B. Adams, William A. Dunning, Andrew C. McLaughlin, Peter White (renominated); J. Franklin Jameson, A. Lawrence Lowell.

The council reported the following action on the question of a cooperative history, which was referred to it at the Boston meeting:

"*Voted*, That a standing committee of five be appointed to arrange for the publication of a cooperative history of the United States, under the auspices of the Association, on the following conditions:

"1. The committee to have power to decide on the scope and extent of the work; the publication to be made in small volumes, each complete in itself so far as it goes.

"2. The committee to have power to choose an editor in chief to carry on the work, subject to the determinations of the committee, which will represent the Association.

"3. The committee to have power to make publishing arrangements.

"4. The committee in no case to have any pecuniary responsibility or liability for any expense connected with the history.

"5. The committee to report annually to the Association until the work is finished."

President Angell took the chair, and Mr. Rhodes moved the adoption of the resolution as proposed. After some discussion it was voted, on motion of Judge Baldwin, to postpone further consideration of the project for one year. Professor MacDonald then moved that the council be requested to reconsider the proposition of a cooperative history of America, and to report to the Association in print, before the next annual meeting, a statement of their conclusions in reference thereto and their reasons for the same. The motion prevailed. On motion of Professor Woodburn, the committee on programme for the next meeting was instructed to arrange for a general discussion of the subject at Washington.

The report of the Historical Manuscripts Commission was presented by the chairman, Mr. R. G. Thwaites.

Prof. G. B. Adams reported for the board of editors of the American Historical Review, and Prof. E. G. Bourne for the committee on publications.

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In the absence of Secretary Clark, the report of the bibliographical committee was not presented.

On behalf of the committee on the Justin Winsor prize, Prof. C. M. Andrews reported a series of rules which the committee had drawn up to govern the award, and stated that the prize for this year had been given to Mr. W. A. Schaper, of Dubuque, Iowa, for a monograph on "Sectionalism and Representation in South Carolina," with honorable mention of the study of Miss M. S. Locke on "Anti-Slavery Sentiment before 1808."

Professor MacDonald reported briefly as chairman of the Public Archives Commission.

The chairman of the committee on resolutions, Judge Baldwin, reported the following resolutions, which were unanimously adopted:

"*Resolved*, That the Association most sincerely appreciates the thorough preparations for the annual meeting which were made by the local committee of arrangements, and the patience and courtesy with which they have fulfilled the duties of their appointment.

"*Resolved*, That our cordial thanks be tendered to Dr. James F. Rhodes, formerly president of the Association, for acceding to the request of the programme committee that he would resume the functions of the Presidency on the occasion of the formal opening of our meeting, in the absence of Dr. Eggleston.

"*Resolved*, That the American Historical Association desires to express its grateful acknowledgment of the kind hospitalities on the part of General and Mrs. Alger, Mrs. George O. Robinson, the Detroit Club, the University Club, and the president and faculties of the University of Michigan, which have contributed so much to the pleasure of its members during its sixteenth annual meeting."

The Association adjourned at 5.30 p. m.

At a meeting of the board of editors of the American Historical Review, held the same evening, the board accepted the resignation of Professor Jameson as managing editor, to date from July 1. Professor McLaughlin was appointed to act as managing editor for a period of fifteen months from that date, at the same time retaining his membership on the board of editors.

CHARLES H. HASKINS,
Acting Secretary.

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THE JUSTIN WINSOR PRIZE.

[Committee: Charles M. Andrews (chairman), Bryn Mawr College; Edward P. Cheyney, University of Pennsylvania; Miss Elizabeth K. Kendall, Wellesley College; Roger Foster, New York; Edwin E. Sparks, University of Chicago.]

The Justin Winsor prize of $100, offered by the American Historical Association for the encouragement of historical research, will be awarded for the year 1901 to the best unpublished monograph in the field of American history that shall be submitted to the committee of award on or before October 1, 1901.

I. The prize is intended for writers who have not yet published any considerable work or obtained an established reputation.

II. The monograph must be based upon independent and original investigation in American history, by which is meant the history of any of the British colonies in America to 1776, of other portions of the continent which have since been included in the territory of the United States, and of the United States. It may deal with any aspect of that history—social, political, constitutional, religious, economic, military, or biographical, though in the last two instances a treatment exclusively military or biographical would be unfavorably received.

III. The subject-matter of the monograph must be of more than personal or local interest, and in its conclusions and results must be a distinct contribution to knowledge. In its statements it must attain a high degree of accuracy and in its treatment of the facts collected it must show on the part of the writer powers of original and suggestive interpretation.

IV. The work must conform to the accepted canons of historical research and criticism. It must be presented in what is commonly understood as a scientific manner and must contain the necessary apparatus of critical bibliography (a mere list of titles will not be deemed sufficient), references to all authorities, and footnotes. In length the work should not be less than 30,000 words, or about 100 pages of print. It may be more. If not typewritten, the work must be written legibly, upon only one side of the sheet, and must be in form ready for publication. In making the award the committee will take into consideration not only research, accuracy, and originality, but also clearness of expression, logical arrangement, and literary form. The prize will not be awarded unless the work submitted shall be of a high degree of excellence. The successful monograph will be published by the American Historical Association. Address all correspondence to the chairman of the committee, Prof. Charles M. Andrews, Bryn Mawr, Pa.

JANUARY 26, 1901.

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PROGRAMME OF EXERCISES AT SIXTEENTH ANNUAL MEETING OF AMERICAN HISTORICAL ASSOCIATION.

Persons not members of the Association will be cordially welcomed to the public sessions.

Papers are limited to twenty minutes and discussions to ten minutes for each speaker.

Those who read papers, as well as those who take part in the discussions, are requested to send abstracts of their papers or remarks to the secretary before the meeting.

THURSDAY MORNING, DECEMBER 27.

10.30 a. m.

THE CRUSADES AND THE EAST.

(Convention room in the Russell House.)

1. The Year One Thousand and Antecedents of the Crusade, by Prof. George L. Burr, Cornell University.
2. Critical Work on the Sources of the First Crusade, by Prof. Oliver J. Thatcher, University of Chicago.
3. The Capitulations in Turkey, by President James B. Angell, University of Michiagn.
4. Discussion, by Prof. Archibald Coolidge, Harvard University; Mr. Alfred L. P. Dennis, Harvard University.
5. Appointment of committees.

THURSDAY AFTERNOON, DECEMBER 27.

2.30 p. m.

PUBLIC SESSION OF THE CHURCH HISTORY SECTION.

(Convention room in the Russell House.)

1. American Ecclesiology, by Prof. George James Bayles, Columbia University.
2. The Origin of the Apostles' Creed, by Prof. Arthur C. McGiffert, Union Theological Seminary.
3. The Date of the Ignatian Epistles, by Prof. Francis A. Christie, Meadville Theological School.

2.30 to 4 p. m.

PRIVATE MEETINGS OF THE COMMITTEES, COMMISSIONS, AND BOARDS.

(Rooms for the meetings of the various committees will be designated on application to the clerk of the committee of arrangements, who will be found at headquarters.)

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4 to 6 p. m.

RECEPTION BY GENERAL AND MRS. ALGER (150 FORT STREET WEST).

THURSDAY EVENING, DECEMBER 27.

8 p. m.

JOINT SESSION WITH THE AMERICAN ECONOMIC ASSOCIATION.

(First Methodist Church, corner of Woodward and Adams avenues.)

1. Address of Welcome, by Hon. William C. Maybury, mayor of Detroit.
2. Inaugural Address, by Prof. Richard T. Ely, president of the American Economic Association.
3. The Writing of History, by James Ford Rhodes, LL. D., ex-president of American Historical Association.

SMOKER AT THE UNIVERSITY CLUB (CORNER OF FORT AND GRISWOLD STREETS).

FRIDAY MORNING, DECEMBER 28.

(Train leaves Michigan Central station at 8.50 a. m., Central standard time.)

10.30 a. m.

JOINT SESSION WITH THE AMERICAN ECONOMIC ASSOCIATION.

(Sarah Caswell Angell Hall, University of Michigan, Ann Arbor.)

1. Address of Welcome, by President James B. Angell, University of Michigan.
2. French Experiments with Political Assimilation in the West Indies, by Prof. Paul S. Reinsch, University of Wisconsin.
3. The Turning Points in the History of British Administration in India, by Prof. H. Morse Stephens, Cornell University.
4. The Finances of Porto Rico, by Dr. J. H. Hollander, treasurer of Porto Rico.
5. Our Porto Rican Policy, by Prof. John H. Finley, Princeton University.
6. Discussion, by Prof. Henry E. Bourne, Western Reserve University, and Prof. Charles H. Hull, Cornell University.

FRIDAY AFTERNOON, DECEMBER 28.

3 p. m.

WESTERN HISTORY.

(Room C, Law Building, Ann Arbor.)

1. Frontier Land Clubs or Claim Associations, by Prof. Benjamin F. Shambaugh, University of Iowa.
2. The Legend of Marcus Whitman, by Prof. Edward G. Bourne, Yale University.
3. Party Struggles in Missouri, 1861–1865, by Prof. Samuel B. Harding, Indiana University.

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4. The Second Missouri Compromise, by Prof. Frank H. Hodder, University of Kansas.
5. Discussion, by Prof. Jesse Macy, Iowa College; Reuben G. Thwaites, secretary of the State Historical Society of Wisconsin.

(Train leaves for Detroit at 5.20, Central standard time.)

FRIDAY EVENING, DECEMBER 28.

Smoker given by the Detroit Club (corner Fort and Cass Streets, Detroit).

The women members of the Association and the wives of members are invited to the residence of Mrs. George O. Robinson, 425 Cass avenue, from 8 to 10 o'clock.

SATURDAY MORNING, DECEMBER 29.

10.30 a. m.

BRITISH AND AMERICAN HISTORY.

(Convention room, Russell House.)

1. The Opposition in Parliament, 1765–1775, by Prof. Wilbur C. Abbott, Dartmouth College.
2. The Breakdown of the Old Colonial System in Canada, by Prof. George M. Wrong, University of Toronto.
3. British Rule in Canada, by Sir John Bourinot, K. C. M. G., LL. D., Ottawa, Canada.
4. Discussion, opened by Prof. Victor Coffin, University of Wisconsin.
5. The Breakdown of Reconstruction, by Prof. William A. Dunning, Columbia University.
6. Discussion, by Prof. Albert Bushnell Hart, Harvard University; Mr. Percy N. Booth, Louisville, Ky.; Dr. Theodore Clarke Smith, Brookline, Mass.

SATURDAY AFTERNOON, DECEMBER 29.

12.30 p. m.

SUBSCRIPTION LUNCHEON.

(Dining room of the Russell House.)

SATURDAY AFTERNOON, DECEMBER 29,

3 p. m.,

BUSINESS MEETING OF THE ASSOCIATION.

(Convention room, Russell House.)

1. Report of the council.
2. Report of the treasurer and auditing committee.
3. Report of the Historical Manuscripts Commission.
4. Report of the committee on the Justin Winsor prize.
5. Report of the board of editors of the American Historical Review.

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6. Report of the bibliographical committee.
7. Report of the committee on publications.
8. Report of the Public Archives Commission.
9. Report of the committee on monographic history of America.
10. Election of officers.
11. Report of the committee on resolutions.

PAPERS TO BE READ BY TITLE.

1. Stein's German Policy at the Congress of Vienna, by Prof. U. G. Weatherly, Indiana University.
2. The Considerations which led Edward III to assume the Title, King of France, by Prof. Walter I. Lowe, Wells College.
3. Why the Austin Colonists went to Texas, by Prof. Lester G. Bugbee, University of Texas.
4. Cuban Diplomacy of the Pierce Administration, by Francis S. Philbrick, Harvard University.
5. Plato's Opposition to Imperialism in Athens and Syracuse, by Dr. Henry A. Sill, New York.
6. The Negro Companions of the Spanish Conquistadores, by President R. R. Wright, Georgia State Industrial College.
7. American Influence in Hawaii before the Missionaries, by Hiram Bingham, jr., Cambridge, Mass.
8. Military government of Southern territory, 1861–1865, by Allen H. Carpenter, A. M., Harvard University.
9. Lord Baltimore's Struggle with the Jesuits, 1634–1649, by Prof. Alfred Pearce Dennis, Smith College.

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COMMITTEES FOR DETROIT MEETING.

LOCAL COMMITTEE OF ARRANGEMENTS.

Hon. Peter White, chairman; Russell A. Alger, Don M. Dickinson, Thomas W. Palmer, Levi L. Barbour, James E. Scripps, August Marxhausen, William E. Quinby, William Livingstone, Henry Russel, Clarence M. Burton, Bryant Walker, Earle W. Dow, Fred M. Taylor.

GENERAL RECEPTION COMMITTEE.

Hon. William C. Maybury, W. J. Chittenden, Samuel T. Douglas, George H. Barbour, H. M. Duffield, Jeremiah Dwyer, W. H. Elliott, Silas Farmer, Dexter M. Ferry, R. H. Fyfe, Silas W. Goodale, A. H. Griffith, Theodore P. Hall, Fred W. Hayes, Col. F. J. Hecker, George Hendrie, Collins B. Hubbard, Right Rev. John S. Foley, R. R. Elliott, Charles A. Kent, Hermann Keifer, Otto Kirchner, H. B. Ledyard, Rev. John McCarroll, M. D., Stephen Baldwin, Samuel S. Babcock, Rev. Alfred H. Barr, Rev. C. L. Arnold, John H. Bissell, Dr. J. B. Book, James N. Wright, George N. Brady, Edwin F. Conely, Hon. James McMillan, Alexander McPherson, Ashley Pond, M. W. O'Brien, George H. Russel, Alfred Russell, J. M. B. Sill.

RECEPTION COMMITTEE FOR SMOKER AT UNIVERSITY CLUB.

H. C. Bulkley, C. H. Campbell, J. D. Hawks, Paul F. Bagley, Sidney T. Miller, Walter S. Russel, James C. Smith, Bethune Duffield, E. W. Pendleton, Samuel S. Harris, C. B. Warren, D. M. Ferry, jr., Henry Ledyard, Rufus G. Lathrop.

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RECEPTION COMMITTEE AT DETROIT CLUB.

Truman H. Newberry, Cameron Curry, B. S. Warren, C. A. Ducharme, Charles L. Freer, W. J. Gray, George H. Hopkins, Strathearn Hendrie, Judge Geo. S. Hosmer, Jere C. Hutchins, Dr. H. W. Longyear, Cyrus E. Lothrop, John N. Bagley, George H. Barbour, W. R. Bates, Michael Brennan, E. W. Cottrell, W. C. McMillan, H. G. Meredith, R. E. Plumb, E. T. Slocum, George A. Steel, A. L. Stephens, Charles M. Swift, H. M. Campbell, Dr. E. T. Tappey, H. T. Thurber, Waldo A. Avery, Clarence A. Black, Dr. Donald Maclean.

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II.—THE NEW HISTORY.

By EDWARD EGGLESTON, President.

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THE NEW HISTORY.[1]

By EDWARD EGGLESTON, *President.*

Members of the American Historical Association, fellow-students of history: I thank you to-night for your preference in choosing me to the presidency of the historical association. It is one of the honors of my life.

Members of the American Historical Association, ladies and gentlemen: I remember hearing Mr. Lowell apologize for reading an address—he had been accustomed to speak off-hand. He said "I have suffered a loss of the memory of names. It is the first falling of the leaves of memory." I, who have been wont to speak without notes for more than forty years, must come here to-night with Lowell's beautiful apology on my lips. Since a little more than a year ago my memory can not be depended on for names, and I too am forced to plead the first falling of the leaves of memory.

Let me begin without further introduction. Let me speak the things in my heart. "Let me bring myself along with me," as Wendell Phillips said at Harvard. I propose to speak to you mainly of the new history. All our learning takes its rise from Greece. No other superstition has held so long as the classic. For five hundred years nearly every historical writer has felt it necessary to touch his cap in a preface to Herodotus and Thucydides. They are certainly models of style, no one contradicting. A man, like myself, on whose Greek the rust of thirty-five years has fallen, may be permitted to shelter himself behind so great a Grecian as Professor Jebb. In the following keen words he makes retrenchments on Thucydides: "It is a natural subject of regret, though not a just cause of surprise or complaint, that the history (of

[1] Mr. Eggleston was prevented by severe illness from attending the meeting at Detroit. The inaugural address which he intended to read is here printed in full.

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Thucydides) tells us nothing of the literature, the art, or the social life under whose influences the author had grown up." * * * "Among the illustrious contemporaries," says Jebb, "whose very existence would be unknown to us from his pages, are the dramatists Æschylus, Sophocles, Euripides, Aristophanes; the architect, Ictinius; the sculptor, Phidias; the physician, Hippocrates; the philosophers, Anaxagoras and Socrates. * * * If Thucydides had mentioned Sophocles," continues he, "as a general in the Samian war, it may be doubted whether he would have noticed the circumstance that Sophocles also wrote dramas, unless it had been for the purpose of distinguishing him from a namesake." Jebb qualifies his statement by urging that Thucydides sought to do only one thing, to write the history of the Peloponnesian war without permitting the intrusion of anything else. But Thucydides must have had the notion that war was the most important thing in the world and that all the art and eloquence of his time were, as he calls them, merely "recreations of the human spirit." Add to this that nearly one-fourth of Thucydides's history is made up of speeches imitated from the epic poets and that most of them were the work of the author. His history is a splendid piece of literature, but it is not a model for a modern writer.

The reductions on Herodotus are essential. His credulity alone is an impairment to his character as a historian. Neither from Herodotus nor from Thucydides nor from Tacitus can we learn to write history in the modern sense. Their histories will remain, as Thucydides said of his, "a possession forever." But it would be strange if we had not learned anything of the art of writing history in a cycle of nearly twenty-four hundred years. Let us brush aside once for all the domination of the classic tradition.

Let us come to English letters. One of our early examples is one of our best. In English literature Sir Walter Raleigh is in a sense both Herodotus and Thucydides and something more, as became a modern. The title of his fragment, The History of the World, repels many people, but it were well if his incomparable work were not neglected. What is most admirable in it is its keen modern interest in the little details of life, which are a part of what I call the New History. Occasionally it rises into the grandest style. As an instance

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of felicitous detail, how there lingers in the memory his treatment of the coracle, the little boat made of a bull's hide stretched over a frame! He seizes on a passage of Lucan's and renders it exquisitely and almost literally:

"The moistened osier of a hoary willow
Is fashioned first into a little boat,
Then, clad in bullock's hide, upon the billow
Of a proud river lightly doth it float
Beneath the waterman.
So, on the waves of overswelling Po
Rides the Venetian and the Briton so,
On the outspread ocean."

I have seen in use on the western bays of Ireland the same little boat, there called not a coracle but a curragh—the original form of the word, no doubt. It was usually occupied by a priest, being rowed from island to island to hear confessions. The bull's hide had gone out and a stout canvas had taken its place. But the veritable bull's-hide boat of Lucan was in use in our Southern colonies down to the Revolution, and this classic mode of conveyance is yet seen on the Western frontier.

Another instance of Raleigh's delightful particularity is seen in his caution about misunderstanding the speech of savages. All who have seen the ancient maps of North Carolina will remember Win-gin-da-coa as its name. This was the first thing said by a savage to Raleigh's men. In reply to the question, "What is the name of this country?" he answered, "Win-gin-da-coa." It was afterwards learned that the North Carolina aborigine said in this phrase, "Those are very fine clothes you have on." And so North Carolina carried a fashion-plate label to unsuspecting readers. With such little incidents Raleigh diversifies his history, and with great passages like his apostrophe to death he carries it to its loftiest climaxes. Its eloquent by-passages of one kind and another remain to fructify the imagination of later ages.

Never was a falser thing said than that history is dead politics and politics living history. Some things are false and some things are perniciously false. This is one of the latter kind. In this saying Freeman expressed his whole theory of history writing, and one understands the point of Green's remark to him: "Freeman, you are neither social, literary, nor religious." A worse condemnation of a historian could

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hardly be made. Politics is the superficial struggle of human ambitions crossed occasionally, but rarely, by a sincere desire to do good. History must take account of politics, as of everything else, but let it remember that politics is in its very nature bold and encroaching, a part of the fierce struggle for existence—a part of that fierce striving for power which is so unlovely. It often sails under false colors, and it will deceive the historian unless he is exceedingly vigilant. It likes to call itself patriotism. Lincoln, all ready to carry through a great measure by means that were doubtful—this one an office, that one something else—looked at the work of his hands with disgust. "Hay," he said to his private secretary, "what we call patriotic statesmanship is nothing but a combination of individual meannesses for the general good." There is doubtless some admixture of real patriotism in politics. But what is patriotism? It is a virtue of the half-developed. Higher than tribal instinct and lower than that great world benevolence that is to be the mark of coming ages. Of all countries in the world we need to be cured of politics. We elect everything from a township trustee to the President of the United States. Every man, if he were an intelligent voter, under our system would be required to canvass every year the merits of whole yards of aspirants for petty office. Why not elect one in a city, a State, and the nation, and leave him to study the yards of aspirants and to appoint?

Buckle's famous and much-controverted principle that the origin of all movements is to be sought in the people and not in the leader, is as true as it is false. Now and then a movement gets head; it has no apparent leader or it gains one who carries it safely to its goal. Such was the American Revolution. Look for its origin among the people. But many agitations go hither and thither until a leader arises, perhaps, entirely changes the character of the movement, and carries it off another way. Such was the French Revolution. Its beginning gave no hint of its end; it gave no hint of any possible end, indeed. But a Corsican general of ability unparalleled among military men, and of an ambition overflowing all bounds, arrested the mob in the streets of Paris and taught it to obey. From the moment that the young Bonaparte had cowed the mob the Revolution was not. Bonaparte dallied with its forms for a while; he would not check it too

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soon, but he steadily turned it in directions for his own glory. Its original ends were all lost sight of, and that most remarkable movement of modern times, that most aimlesss and senseless movement, shaking and overturning the thrones of Europe, went where it would without any regulating principle but the will—the capricious will—of a single man. But, strangely enough, I may remark in passing, that agitation sowed broadcast over Europe certain notions that have proved and are yet proving fatal to despotism.

History must treat military affairs. War is essentially exciting. Bodies of men are seen in violent movement. Life and death hang upon a hair trigger; they are in the quick decision and the prompt action. The world looks on and applauds. It is a cockfight. It is a bullfight. It is the death struggle of the gladiator. It is all of these raised to the hundredth power. But the scene has been so often repeated, the subject has become trite.

Man is such a savage that until the lifetime of the present generation he has insisted on settling everything by the gage of battle. He has strewn the world with a thousand battlefields. He has strewn these battlefields with thousands of horses and men, with the hopes and fears of men and women, and the fate of little children. What a brute is man! What a hero is man! But the brute age and the age of heroism in the contest with the brute must pass. We can not always cover our pages with gore. It is the object of history to cultivate this out of man; to teach him the wisdom of diplomacy, the wisdom of avoidance—in short, the fine wisdom of arbitration, that last fruit of human experience.

But how can we treat war so as not to become on the one hand sensational or on the other hand trite? Can not some philosophy be got out of it? All human progress is interesting, even that of the art of destruction. In all the past the distribution of the arts of living has depended largely upon war. Sometimes there came in a lucky piece of bigotry, like the revocation of the Edict of Nantes, to scatter widely the arts. Oftener war, with its attendant displacements of population, has served this end. In our day emigration and the diffusion of intelligence and a hundred other agencies do the work better, except among barbarians, where every war with a civilized nation brings the good and the evil of civilization to the

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conquered—education and greater facilities for intemperance, for example.

The buyer of rare books, whether for historic purposes or other, once in a long time finds a treasure. Such was my lot a few years ago. From the Earl of Westmoreland's library I purchased, among other books, a little manuscript. It was a complete treatment of the private soldier's duty, written in what is called the secretary's hand. It is not legible except to those trained to read it—withal very beautiful. It was written by someone, I know not whom, for Charles I when he was Prince of Wales, to make him a competent officer. The date is fixed by an allusion to Charles's romantic trip to Spain. What this little book tells I can not find anywhere else. Its information was drawn from the Dutch, who were the teachers of the English in so many ways. It is very minute and it almost always quotes Prince Maurice. An army was set forth in that day by solid squares of spearmen surrounded by a few scattering musketeers. The latter were obliged to set on the ground a little forked rest to sustain the weight of the musket; to fire they stooped down and took aim. The musketeers were, according to my manuscript, the poorest soldiers; the main dependence was upon the spearmen. Gunpowder was used thus awkwardly. "But," says my writer, "Prince Maurice told me that if he had another army to set forth he would reverse the order and put the best soldiers to the musket." It is precisely the point at which gunpowder became the main dependence. The ordinary spear was 18 feet long, or three times the height of the man, and from 1 inch to an inch and a half in thickness. The iron jaws of the head were 2½ feet in length.

With such spears the Massachusetts militia was trained for more than forty years, or until the outbreak of Philip's war. I do not know how long they may have been used in Virginia. Poking Indians armed with muskets out of a swamp with a spear might do for imaginary warfare—for militia warfare—but when it came to real fighting it was very ugly business. The desperate character of the conflicts with Philip, and the necessity for the exclusive use of gunpowder, became apparent, and the edict went forth that the militia, who were trained to the use of the spear, should take up the musket. With this edict the spear disappeared in this country forever. It went out in

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England about the same time. Thus do we learn the progress of the human mind in arts of destruction.

In this little book one may learn something of the action of the "forlorn hope." Etymologists have thought, but they have doubted, too, that they have tracked this term to the Dutch "verloonen hoop"—lost troop. My little manuscript gives no direct evidence of this, and yet it confirms the theory, for everywhere in it the forlorn hope is called the "perdu"—the lost.

A great deal has been said of late about the use of history in secondary education. A hundred times more history, and what passes for history, is learned in the secondary schools than anywhere else. The celebrated report of the committee of seven a few years ago was particularly judicious. The errors of the old schoolbooks are repeated from one to another, but they are not usually capital. The great mistake is the misapprehension of the purpose of history. The object of teaching history is narrowly said to be to make good citizens—intelligent voters. In this calculation the girls are left out. The main object of teaching history is to make good men and women, cultivated and broad men and women.

A great cry is made by the schoolbook agents on the importance of having the Constitution in the back of the text-book. Few children of 14 can understand this legal document; very few of them need to. I wonder how many of their elders have ever read the Constitution through attentively. The State of Tennessee will not allow the use of any history that does not include the Constitution. Triumphant politics! The Constitution is there. A schoolboy in Brookland was asked, "What is the Constitution of the United States?" He replied, "It is that part in small print, in the back of the book, that nobody reads."

Some years ago, having an invalid to amuse, I picked up at random a great folio, one of twenty-six, that profess to give the history of the world. The volume was a history of Portugal. It was written in an animated style and served my purpose very well. There were weddings, battles, embassies, peace, and war, all springing out of the ground with marvelous spontaneity. It reminded me of a fairy story of the olden time, in which everything took place without any adequate cause. I read it day after day, and I forgot it almost as fast

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as I read it. There was not a word about the people, their manners or customs. Even the manners and customs of the court of Portugal were entirely ignored. It was history hung in the air. It was indeed history written after the manner of the early eighteenth century.

According to John Stuart Mill, we owe it to Sir Walter Scott that the change in history writing took place. Scott first related that there were Saxons and Normans living alongside of one another in England—neighbors, but most unneighborly—for generations after the Conquest. Why did not the historians tell us so much? Certain French historians—Augustin Thierry and his group—first took the hint from Scott, and in the Conquest of England and the Third Estate of Thierry and in other writings of the time told the history of the people. Michelet, who labored almost to our time, was one of these. They wrote and men read with delight. The Germans took it up in their heavy way, generally writing one theil on politics and one theil on cultur-geschichte. Perhaps of all the peoples those who speak English have been the slowest to introduce the new history.

A few years after the French, and with a French impulse, no doubt, Macaulay began to write. His style was brilliant, balanced, antithetical. Shall we say it was too antithetical? Let us remember that he wrote in the first half of the nineteenth century. Macaulay's famous third chapter came to interrupt the course of the history. It had all been brilliant, but if it needed anything to make its fortune, Chapter III did it. It begins with taxes and revenues; the customs and revenue lists of the princes are much elaborated and are not very interesting. But by degrees he draws near to manners, and he draws near to London. The picture of old London, turned over and over in his mind in those long walks Macaulay is said to have made through every street of the metropolis, is a wonderful piece of history. It is worth the whole history beside. And nobody ever dreamed before that such a subject was in the province of history. I have lately read it over, and it excites my wonder again. It is so particular, so minute, so extraordinary. Occasionally he stops to remark on the shortcomings of other histories: "Readers who take an interest in the progress of civilization and of the useful arts will be grateful to the humble topographer who has recorded these facts,

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and will perhaps wish that historians of far higher pretensions had sometimes spared a few pages from military evolutions and political intrigues for the purpose of letting us know how the parlors and bedchambers of our ancestors looked." It would have been in better taste if he had not done this. But it shows how conscious he was that he was attempting the new. It is the fashion to discredit Macaulay's history. Every history goes through a period when its disadvantages of time have come to be appreciated—when it is antiquated without being ancient. But for the faithful use of authority, for the brilliant putting in of particulars, Macaulay remains what a German critic recently called him—the greatest historical writer of the nineteenth century. Time will come when we shall date from Macaulay. English history will never be written just as it was before. He was partisan. It is an unforgivable offense in our time. Macaulay's Puritans, "lank-haired men who discussed election and reprobation through their noses," are mere creatures of prejudice and burlesque figures, not, to our generation, funny. But it can be forgiven to one who says so many good things.

Green is not to be omitted. He is not an authority on facts. No man can treat history for a long period, as Green did, without depending on the authority of others. Green put himself into his history. The narrow critic calls it "at least literature." It is literature of a high kind. It is a high and warm nature judging the events of English history. This is why Green's Shorter History must remain his great work. Not history in one sense, ten times more history than history itself in another. A philanthropic clergymen, lover of his race to begin with, he gradually outgrew all his doctrinal predilections, until at length there was only the philanthropic impulse left. From this point, and not at all from the theological, he judged all religious life. What is it worth to men, and what has it accomplished? He greets the barefoot friar, the Lollard, the Puritan, and the Primitive Methodist with the same question. He treats them all as of beneficent origin.

Let us pass by Gardiner, great and in some respects unparalelled historian that he is. He writes with the day of doom in mind, and the crack of doom may be here before the end of his piece. The writings of a more popular if less able man must take precedence of Gardiner's. Lecky comes the nearest

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to realizing the true all-round history. His History of England in the Eighteenth Century is in parts exceedingly eloquent and strong. I think I shall find myself on one point at difference with the body of American scholars. Lecky is not wholly satisfactory on the American Revolution. A man can not embrace two countries. At least no one except De Tocqueville and Bryce has done so.

Incomparable Burke pointed out that the whole commerce of America had grown up under a system of smuggling and violation of customs laws made abroad. The attempt to suppress this was an attempt to put down trade entirely—to reduce the colonies to gaunt famine. No man can judge America in the eighteenth century without taking her circumstances into account. Even in little things Lecky fails to understand us; he says Americans invented a new punishment of riding a man on an iron bar. He means riding on a rail, and only a few years before a man had died in the process in London. For the state of America he depends on Washington's letters—letters written always to procure appropriations. But, America aside, his England, and especially his Ireland in the Eighteenth Century, are very great books. Leave the American Revolution to be written by one who understands it and knows what it was.

I remember the enjoyment with which I discovered that Hilliard had inserted here a little and there a little paragraph on manners. Hilliard used only printed authorities; he was dry; he did not make a lasting history. His touches of folk history are his best work. Bancroft labored long; he labored learnedly. But he has repelled more young people from the study of history than all other influences in America. Nearly twenty years ago I sat at Mr. Parkman's table one Sunday, and he remarked with that sweet candor which was characteristic, "I can not read Bancroft." I replied, "Mr. Parkman, if you had not said it, I should not have dared to say so, but I can not read Bancroft." A cultivated lady at the table said, "If you gentlemen say that, what is the ground of his great reputation?" We answered simultaneously, "His great knowledge." He knew nearly everything a historian ought to know except culture history. He never conceived of the seventeenth-century man as living before science. And one other difficulty he had. He was a politician, or, if you

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please, a statesman. He was a diplomatist. He could not speak candidly. "I hold my hand full," he said; "I open my little finger. The American people can not stand more." Mr. Bancroft held in his hand a lot of disagreeables. He knew, for instance, that a majority of the pre-Revolutionary ancestors of the post-Revolutionary Americans—Colonial Dames, as like as not—came to this country in an unfree condition and were sold off the ship to pay their passage. But he left all that on one side as contemned culture history. This is why his volumes stand in undisturbed repose on the shelves where are those books which no gentleman's library is complete without.

I must avoid mention of books whose authors are still alive. I must, for want of time, avoid more than complimentary mention of the special studies of our post-graduates on the township community and other institutional history. I am myself greatly indebted to them. See how lame is Macaulay's allusion to inclosures in his third chapter for want of such knowledge.

I must mention with praise the humble historian who writes of town or city the annals that will be greedily sought after in time to come. And I may say that history is the great prophylactic against pessimism. There never was a bad, in the five progressive centuries, that was not preceded by a worse. Our working people live from hand to mouth; in the eighteenth century and in England it was from half empty hand to starving mouth. Never was the race better situated than in this nineteenth century—this twentieth century on the very verge of which we stand. History will be better written in the ages to come. The soldier will not take the place he has taken. I do not say that the drum and trumpet history will have gone out; but when the American Historical Association shall assemble in the closing week a hundred years hence, there will be, do not doubt it, gifted writers of the history of the people. It will not seem so important for impartial Gardiner to weigh the men and motives of the commonwealth history. We shall have the history of culture, the real history of men and women.

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III.—CONCERNING THE WRITING OF HISTORY.

By JAMES FORD RHODES, LL. D.

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CONCERNING THE WRITING OF HISTORY.

By James Ford Rhodes, LL. D.

Called on at the last moment, owing to the illness of Mr. Eggleston, to supply in a measure a place which can not be filled, I present to you a paper on the writing of history. It is in a way a continuance of my inaugural address before this association one year ago, and despite the continuity of the thought I have endeavored to treat the same subject from a different point of view. While going over the same ground and drawing my lessons from the same historians, it is new matter so far as I have had the honor to present it to the American Historical Association.

An historian, to make a mark, must show some originality somewhere in his work. The originality may be in a method of investigation; it may be in the use of some hitherto inaccessible or unprinted material; it may be in the employment of some sources of information open to everybody, but not before used, or it may be in a fresh combination of well-known and well-elaborated facts. It is this last-named feature that leads Mr. Winsor to say, in speaking of the different views that may be honestly maintained from working over the same material, "The study of history is perennial." I think I can make my meaning clearer as to the originality one should try to infuse into historical work by drawing an illustration from the advice of a literary man as to the art of writing. Charles Dudley Warner once said to me, "Everyone who writes should have something to add to the world's stock of knowledge or literary expression. If he falls unconsciously into imitation or quotation, he takes away from his originality. No matter if some great writer has expressed the thought in better language than you can use, if you take his words you detract from your own originality. Express your thought

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feebly in your own way rather than with strength by borrowing the words of another."

This same principle in the art of authorship may be applied to the art of writing history. "Follow your own star," said Emerson, "and it will lead you to that which none other can attain. Imitation is suicide. You must take yourself for better or worse as your own portion." If one is led to the writing of history, he may be sure that there is in him some originality, that he can add something to the knowledge of some period. Let him give himself to meditation, to searching out what epoch and what kind of treatment of that epoch is best adapted to his powers and to his training. I mean not only the collegiate training, but the sort of training one gets consciously or unconsciously from the very circumstances of one's life. In the persistence of thinking, his subject will flash upon him. Parkman, said Lowell, showed genius in the choice of his subject. The recent biography of Parkman emphasizes the idea which we get from his works—that only a man who lived in the virgin forests of this country and loved them, who had traveled in the far West as a pioneer, with Indians for companions, could have done that work. Parkman's experience can not be had by anyone again, and he brought to bear the wealth of it in that fifty years' occupation of his. Critics of exact knowledge—such as Justin Winsor, for instance—find limitations in Parkman's books that may impair the permanence of his fame, but I suspect that his is the only work in American history that can not and will not be written over again. The reason of it is that he had a unique life which has permeated his narrative, giving it the stamp of originality. No man whose training was that had alone in the best schools of Germany, France, or England could have written those books. A training racy of the soil was needed. "A practical knowledge," wrote Niebuhr, "must support historical jurisprudence, and if anyone has got that he can easily master all scholastic speculations." A man's knowledge of everyday life in some way fits him for a certain field of historical study—in that field lies success. In seeking a period, no American need confine himself to his own country. "European history for Americans," said Motley, "has to be almost entirely rewritten."

I shall touch upon only two of the headings of historical

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originality which I have mentioned. The first that I shall speak of is the employment of some sources of information open to everybody, but not before used. A significant case of this in American history is the use which Doctor Von Holst made of newspaper material. Niles's Register, a lot of newspaper cuttings, as well as speeches and state papers in a compact form, had, of course, been referred to by many writers who dealt with the period they covered, but in the part of his history covering from 1850 to 1860 Von Holst made an extensive and varied employment of newspapers by studying the newspaper files themselves. As the aim of history is truth, and as newspapers fail sadly in accuracy, it is not surprising that many historical students believe that the examination of newspapers for any given period will not pay for the labor and drudgery involved; but the fact that a trained German historical scholar and teacher at a German university should have found, when he came to write the history of our own country, some truth in our newspaper files gives to their use for that period the seal of scientific approval. Doctor Von Holst used this material with pertinence and effect; his touch was nice. I used to wonder at his knowledge of the newspaper world, of the men who made and wrote our journals, until he told me that when he first came to this country one of his methods in gaining a knowledge of English was to read the advertisements in the newspapers. Reflection will show one what a picture of the life of a people this, in addition to the news columns, must be.

No one, of course, will go to newspapers for facts if he can find those facts in better attested documents. The haste with which the daily records of the world's doings are made up precludes sifting and revision. Yet in the decade between 1850 and 1860 you will find facts in the newspapers nowhere else set down. Public men of commanding position were fond of writing letters to the journals with a view of influencing public sentiment. These letters in the newspapers are as valuable historical material as if they were carefully collected, edited, and published in the form of books. Men made speeches that one must read which he will nowhere find except in the journals. The immortal debates of Lincoln and Douglas in 1858 were never put into a book until 1860, existing previously only in newspaper print. Newspapers are

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sometimes important in fixing a date and in establishing the whereabouts of a man. If, for example, a writer draws a fruitful inference from the alleged fact that President Lincoln went to see Edwin Booth play Hamlet in Washington in February, 1863, and if one finds by a consultation of the newspaper theatrical advertisements that Edwin Booth did not visit Washington during that month, the significance of the inference is destroyed. Lincoln paid General Scott a memorable visit at West Point in June, 1862. You may, if I remember correctly, search the books in vain to get at the exact date of this visit; but turn to the newspaper files and you find that the President left Washington at such an hour on such a day, arrived at Jersey City at a stated time, and made the transfer to the other railroad which took him to the station opposite West Point. The time of his leaving West Point and the hour of his return to Washington are also given.

The value of newspapers as an indication of public sentiment is sometimes questioned, but it can hardly be doubted that the average man will read the newspaper with the sentiments of which he agrees. "I inquired about newspaper opinion," said Joseph Chamberlain in the House of Commons last May. "I knew no other way of getting at popular opinion." During the years between 1854 and 1860 the daily journals were a pretty good reflection of public sentiment in the United States. Wherever, for instance, you found the New York Weekly Tribune largely read, Republican majorities were sure to be had when election day came. For fact and for opinion, if you knew the contributors, statements and editorials by them were entitled to as much weight as similar public expressions in any other form. You get to know Greeley and you learn to recognize his style. Now, an editorial from him is proper historical material, taking into account always the circumstances under which he wrote. The same may be said of Dana and of Hildreth, both editorial writers for the Tribune, and of the Washington dispatches of J. S. Pike. It is interesting to compare the public letters of Greeley to the Tribune from Washington in 1856 with his private letters at the same time to Dana. There are no misstatements in the public letters, but there is a suppression of the truth. The explanations in the private correspondence are clearer, and you need them to know fully how affairs

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looked in Washington to Greeley at the time; but that fact by no means detracts from the value of the public letters as historical material. I have found newspapers of greater value both for fact and opinion during the decade of 1850 to 1860 than for the period of the civil war. A comparison of the newspaper accounts of battles with the history of them which may be drawn from the correspondence and reports in the Official Records of the War of the Rebellion will show how inaccurate and misleading was the war correspondence of the daily journals. It could not well be otherwise. The correspondent was obliged in haste to write the story of a battle of which he saw but a small section, and instead of telling the little part which he knew actually, he had to give to a public greedy for news a complete survey of the whole battlefield. This story was too often colored by his liking or aversion for the generals in command. A study of the confidential historical material of the civil war, apart from the military operations, in comparison with the journalistic accounts, gives one a higher idea of the accuracy and shrewdness of the newspaper correspondents. Few important things were brewing at Washington of which they did not get an inkling. But I always like to think of two signal exceptions. Nothing ever leaked out in regard to the famous "Thoughts for the President's consideration," which Seward submitted to Lincoln in March, 1861, and only very incorrect guesses of the President's first emancipation proclamation, brought before his Cabinet in July, 1862, got into newspaper print.

Beware of hasty, strained, and imperfect generalizations. An historian should always remember that he is a sort of trustee for his readers. No matter how copious may be his notes, he can not fully explain his processes or the reason of his confidence in one witness and not in another, his belief in one honest man against a half dozen untrustworthy men, without such prolixity as to make a general history unreadable. Now, in this position as trustee he is bound to assert nothing for which he has not evidence, as much as an executor of a will or the trustee for widows and orphans is obligated to render a correct account of the moneys in his possession. For this reason Grote has said, "An historian is bound to produce the materials upon which he builds, be they never so fantastic,

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absurd, or incredible." Hence the necessity for footnotes. While mere illustrative and interesting footnotes are perhaps to be avoided, on account of their redundancy, those which give authority for the statements in the text can never be in excess. Many good histories have undoubtedly been published where the authors have not printed their footnotes; but they must have had, nevertheless, precise records for their authorities. The advantage and necessity of printing the notes is that you furnish your critic an opportunity of finding you out if you have mistaken or strained your authorities. Bancroft's example is peculiar. In his earlier volumes he used footnotes, but in volume 7 he changed his plan and omitted notes, whether of reference or explanation. Nor do you find them in either of his carefully revised editions. Bancroft himself did not, I believe, make in writing any explanation of this change, but I have been informed that he stated in conversation that as very much of his material was manuscript to which he alone had had access, and writers on the same subject used his notes without giving him due credit, he had come to the conclusion that he would not publish his sources to the world. Again, Blaine's Twenty Years of Congress, a work which, properly weighed, is not without historical value, is only to be read with great care on account of his hasty and inaccurate generalizations. There are evidences of good, honest labor in those two volumes, much of which must have been done by himself. There is an aim at truth and impartiality, but many of his general statements will seem, to anyone who has gone over the original material, to rest on a slight basis. If Blaine had felt the necessity of giving authorities in a footnote for every statement about which there might have been a question, he certainly would have written an entirely different sort of a book.

My other head is the originality which comes from a fresh combination of known historical facts.

I do not now call to mind any more notable chapter which illustrates this than the chapter of Curtius, "The years of peace." One is perhaps better adapted for the keen enjoyment of it if he does not know the original material, for his suspicion that some of the inferences are strained and unwarranted might become a certainty. But accepting it as the mature and honest elaboration of one of the greatest historians

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of Greece of our day, it is a sample of the vivifying of dry bones and of a dovetailing of facts and ideas that makes a narrative to charm and instruct. One feels that the spirit of that age we all like to think and dream about is there, and if one has been so fortunate as to visit the Athens of to-day, that chapter, so great is the author's constructive imagination, carries you back and makes you for the moment live in the Athens of Pericles, of Sophocles, of Phidias and Herodotus.

With the abundance of materials for modern history, and, for that reason, our tendency to diffuseness, nothing is so important as a thorough acquaintance with the best classic models, such as Herodotus, Thucydides, and Tacitus. In Herodotus you have an example of an interesting story with the unity of the narrative well sustained in spite of certain unnecessary digressions. His book is obviously a life work and the work of a man who had an extensive knowledge gained by reading, society, and travel, and who brought his knowledge to bear upon his chosen task. That the history is interesting all admit, but in different periods of criticism stress is sometimes laid on the untrustworthy character of the narrative, with the result that there has been danger of striking Herodotus from the list of historical models; but such is the merit of his work that the Herodotus cult again revives, and, I take it, is now at its acme. I received, three years ago, while in Egypt, a vivid impression of him whom we used to style the Father of History. Spending the day at the great Pyramids, when, after one has satisfied his first curiosity, after one has filled his eyes and mind with the novelty of the spectacle, nothing is so gratifying to the historic sense as to gaze on those most wonderful monuments of human industry, constructed certainly 5,000 years ago, and to read at the same time the account that Herodotus gave of his visit there 2,360 years before the present year of our Lord. That night I read in a modern and garish Cairo hotel the current number of the London Times. In it was an account of an annual meeting of the Royal Historical Society and a report of a formal and carefully prepared address of its president, whose subject was "Herodotus," whose aim was to point out the value of the Greek writer as a model to modern historians. The Times, for the moment laying aside its habitual attack on the then Liberal government, devoted its main leader to

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Herodotus—to his merits and the lessons he conveyed to the European writers. The article was a remarkable blending of scholarship and good sense, and I ended the day with the reflection of what a space in the world's history Herodotus filled, himself describing the work of twenty-five hundred years before his own time and being dilated on in 1894 by one of the most modern of nineteenth-century newspapers.

It is generally agreed, I think, that Thucydides is first in order of time of philosophic historians, but it does not seem to me that we have most to learn from him in the philosophic quality. The tracing of cause and effect, the orderly sequence of events, will certainly be better developed by moderns than it has been by ancients. The influence of Darwin and the support and proof which he gives to the doctrine of evolution furnish a training of thought which was impossible to the ancients; but Thucydides has digested his material and compressed his narrative without taking the life out of his story in a manner to make us despair, and this does not, I take it, come from paucity of materials. A test which I began to make as a study in style has helped me in estimating the solidity of a writer. Washington Irving formed his style by reading attentively from time to time a page of Addison and then, closing the book, endeavored to write out the same ideas in his own words. In this way his style became assimilated to that of the great English essayist. I have tried the same mode with several writers. I found that the plan succeeded with Macaulay and with Lecky. I tried it again and again with Shakespeare and Hawthorne, but if I succeeded in writing out the paragraph I found that it was because I memorized their very words. To write out their ideas in my own language I found impossible. I have had the same result with Thucydides in trying to do this with his description of the plague in Athens. Now, I reason from this in the case of Shakespeare and Thucydides that their thought is so concise they themselves got rid of all redundancies; hence to effect the reproduction of their ideas in any but their own language is practically impossible.

It is related of Macaulay, somewhere in his Life and Letters, that in a moment of despair, when he instituted a comparison between his manuscript and the work of Thucydides, he thought of throwing his manuscript into the fire. I suspect

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that Macaulay had not the knack of discarding material on which he had spent time and effort, seeing how easily such events glowed under his picturesque pen. This is one reason why he is prolix in the last three volumes. The first two, which begin with the famous introductory chapter and continue the story through the revolution of 1688 to the accession of William and Mary, seem to me models of historical composition so far as arrangement, orderly method, and liveliness of narration go. Another defect of Macaulay is that, while he was an omnivorous reader and had a prodigious memory, he was not given to long-continued and profound reflection. He read and rehearsed his reading in memory, but he did not give himself to "deep, abstract meditation" and did not surrender himself to "the fruitful leisures of the spirit." Take this instance of Macaulay's account of a journey: "The express train reached Hollyhead about 7 in the evening," he writes. "I read between London and Bangor the lives of the emperors from Maximin to Carinus, inclusive, in the Augustine history, and was greatly amused and interested." On board the ship: "I put on my greatcoat and sat on deck during the whole voyage. As I could not read, I used an excellent substitute for reading. I went through Paradise Lost in my head. I could still repeat half of it, and that the best half. I really never enjoyed it so much." In Dublin: "The rain was so heavy that I was forced to come back in a covered car. While in this detestable vehicle I looked rapidly through the correspondence between Pliny and Trajan and thought that Trajan made a most creditable figure." Macaulay did not digest his knowledge well. Yet in reading his Life and Letters you know that you are in company with a man who read many books and you give faith to Thackeray's remark, "Macaulay reads twenty books to write a sentence; he travels a hundred miles to make a line of description." It is a matter of regret that the progress of historical criticism and the scientific teaching of history have had the tendency to drive Macaulay out of the fashion with students, and I know not whether the good we used to get out of him thirty-five years ago can now be had. For I seem to miss something that we historical students had a generation ago—and that is enthusiasm for the subject. The enthusiasm that we then had—the desire to compass all knowledge, the wish to gather the

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fruits of learning and lay them devoutly at the feet of our chosen muse—this enthusiasm we owed to Macaulay and to Buckle. Quite properly, no one reads Buckle now, and I can not gainsay what John Morley said of Macaulay. "Macaulay seeks truth," wrote Morley, "not as she should be sought, devoutly, tentatively, with the air of one touching the hem of a sacred garment, but clutching her by the hair of the head and dragging her after him in a kind of boisterous triumph, a prisoner of war and not a goddess." It is, nevertheless, true that Macaulay and Buckle imparted a new interest to history.

I have spoken of the impression we get of Macaulay through reading his Life and Letters. Of Carlyle, in reading the remarkable biography of him, we get the notion of a great thinker as well as a great reader. He was not as keen and diligent in the pursuit of material as Macaulay. He did not like to work in libraries; he wanted every book he used in his own study—padded as it was against the noises which drove him wild. H. Morse Stephens relates that Carlyle did not use a collection of documents relating to the French Revolution in the British Museum for the reason that the museum authorities would not have a special room reserved for him where he might study.[1] Rather than work in a room with other people, he neglected this valuable material. But Carlyle has certainly digested and used his material well. His French Revolution seems to approach the historical works of the classics in there being so much in a little space. "With the gift of song," Lowell said, "Carlyle would have been the greatest of epic poets since Homer;" and he also writes, Carlyle's historical compositions are no more history than the historical plays Shakespeare.

The contention between the scientific historians and those who hold to the old models is interesting and profitable. One may enjoy the controversy and derive benefit from it without taking sides. I suspect that there is truth in the view of both. We may be sure that the long-continued study and approval by scholars of many ages of the works of Herodotus, Thucydides, and Tacitus implies historical merit on their part in addition to literary art. It is, however, interesting to note

[1] But see Froude's account. Life of Carlyle, vol. 2, p. 363.

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the profound difference between President Woolsey's opinion of Thucydides and that of some of his late German critics. Woolsey said, "I have such confidence in the absolute truthfulness of Thucydides that were he really chargeable with folly, as Grote alleges [in the affair of Amphipolis], I believe he would have avowed it." On the other hand, one German critic, cited by Holm, says that Thucydides is a poet who invents facts partly in order to teach people how things ought to be done and partly because he liked to depict certain scenes of horror. He says further, a narrative of certain occurrences is so full of impossibilities that it must be pure invention on the part of the historian. Another German maintains that Thucydides has indulged in "a fanciful and half-romantic picture of events." But Holm, whom the scientific historians claim as one of their own, says, "Thucydides still remains a trustworthy historical authority;" and, "On the whole, therefore, the old view that he is a truthful writer is not in the least shaken." Again Holm writes: "Attempts have been made to convict Thucydides of serious inaccuracies, but without success. On the other hand, the writer of this work [that is, the scientific historian, Holm], is able to state that he has followed him topographically for the greater part of the sixth and seventh books—and consequently for nearly one-fourth of the whole history—and has found that the more carefully his words are weighed and the more accurately the ground is studied the clearer both the text and events become, and this is certainly high praise." Holm and Percy Gardner, both of whom have the modern method and have studied diligently the historical evidence from coins and inscriptions, placed great reliance on Herodotus. Compare the attitude of scholars to Plutarch and Polybius, whose merits are contrary, with their attitude towards Herodotus, Thucydides, and Tacitus. The last three are taken as models of historical composition, but for such a standing Plutarch and Polybius have no advocates.

The sifting of time settles the reputations of historians. Of the English of the eighteenth century only one historian has come down to us as worthy of serious study. Time is wasted in reading Hume and Robertson as models, and no one goes to them for facts. But thirty years ago no course of historical reading was complete without Hume. In this century

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the sifting process goes on. One has not lost much if he has not read Alison's History of Europe. But he was much in vogue in the '50s. Harper's Magazine published a part of his history as a serial. His rounded periods and bombastic utterances were quoted with delight by those who thought that history was not history unless it was bombastic. Emerson says somewhere, "Avoid adjectives; let your nouns do the work." There was hardly a sentence in Alison which did not traverse this rule. One of his admirers told me that the great merit of his style was his choiceness and aptness in his use of adjectives. It is a style which now provokes merriment, and had Alison been learned and impartial, and had he possessed a good method, his style for the present taste would have killed his book. Gibbon is sometimes called pompous, but place him by the side of Alison and what one may have previously called pompousness one now calls dignity.

Two of the literary historians of our century survive—Carlyle and Macaulay. They may be read with care. We may do as Cassius said Brutus did to him, observe all their faults, set them in a notebook, learn and con them by rote; nevertheless we shall get good from them. Oscar Browning said—I am quoting H. Morse Stephens again—of Carlyle's description of the flight of the king to Varennes, that in every one of his details where a writer could go wrong, Carlyle had gone wrong; but added that, although all the details were wrong, Carlyle's account is essentially accurate. No defense, I think, can be made of Carlyle's statement that Marat was a "blear-eyed dog leech," and those statements from which you get the distinct impression that the complexion of Robespierre was green; nevertheless, everyone who studies the French Revolution reads Carlyle, and he is read because the reading is profitable. The battle descriptions in Carlyle's Frederick the Great are well worth reading. How refreshing they are after technical descriptions! Carlyle said once, "Battles since Homer's time, when they were nothing but fighting mobs, have ceased to be worth reading about," but he made the modern battle interesting.

Macaulay is an honest partisan. You learn very soon how to take him, and when distrust begins one has correctives in Gardiner and Ranke. Froude is much more dangerous. His splendid narrative style does not compensate for his inaccuracies. Langlois makes an apt quotation from Froude. "We

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saw," says Froude, of the city of Adelaide, in Australia, "below us in a basin, with the river winding through it, a city of 150,000 inhabitants, none of whom has ever known or ever will know one moment's anxiety as to the recurring regularity of three meals a day." Now for the facts. Langlois says: "Adelaide is built on an eminence; no river runs through it. When Froude visited it the population did not exceed 75,000, and it was suffering from a famine at the time." Froude was curious in his inaccuracies. He furnished the data which convict him of error. He quoted inaccurately the Simancas manuscripts and deposited correct copies in the British Museum. Carlyle and Macaulay are honest partisans and you know how to take them, but for constitutional inaccuracy such as Froude's no allowance can be made.

Perhaps it may be said of Green that he combines the merits of the scientific and literary historian. He has written an honest and artistic piece of work. But he is not infallible. I have been told on good authority that in his reference to the Thirty Years' War he has hardly stated a single fact correctly, yet the general impression you get from his account is correct. Stubbs and Gardiner are preeminently the scientific historians of England. Of Stubbs, from actual knowledge, I regret that I can not speak, but the reputation he has among historical experts is positive proof of his great value. Of Gardiner I can speak with knowledge. Anyone who desires to write history will do well to read every line Gardiner has written—not the text alone, but also the notes. It is an admirable study in method which will bear important fruit. But because Gibbon, Gardiner, and Stubbs should be one's chief reliance, it does not follow that one may neglect Macaulay, Carlyle, Tacitus, Thucydides, and Herodotus. Gardiner himself has learned much from Macaulay and Carlyle. All of them may be criticised on one point or another, but they all have lessons for us.

We shall all agree that the aim of history writing is to get at the truth and express it as clearly as possible. The differences crop out when we begin to elaborate our meaning. "This I regard as the historian's highest function," writes Tacitus, "to let no worthy action be uncommemorated, and to hold out the reprobation of posterity as a terror to evil words and deeds;" while Langlois and the majority of the scholars of Oxford are of the opinion that the formation and expression

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of ethical judgments, the approval or condemnation of Julius Cæsar or of Cæsar Borgia, is not a thing within the historian's province. Let the controversy go on! It is well worth one's while to read the presentations of the subject from the different points of view. But infallibility will nowhere be found. Mommsen and Curtius in their detailed investigations received applause from those who adhered rigidly to the scientific view of history, but when they addressed the public in their endeavor, it is said, to produce an effect upon it, they relaxed their scientific rigor; hence such a chapter as Curtius's "Years of peace," and in another place his transmuting a conjecture of Grote into an assertion; hence Mommsen's effusive panegyric of Cæsar. If Mommsen did depart from the scientific rules, I suspect that it came from no desire of a popular success, but rather from the enthusiasm of much learning. The examples of Curtius and Mommsen show probably that such a departure from strict impartiality is inherent in the writing of general history, and it comes, I take it, naturally and unconsciously. Holm is a scientific historian, but on the Persian Invasion he writes: "I have followed Herodotus in many passages which are unauthenticated and probably even untrue, because he reproduces the popular traditions of the Greeks." And again: "History in the main ought only to be a record of facts, but now and then the historian may be allowed to display a certain interest in his subject." These expressions traverse the canons of scientific history as much as the sayings of the ancient historiographers themselves. But because men have warm sympathies that cause them to color their narratives shall no more general histories be written? Shall history be confined to the printing of original documents and to the publication of learned monographs in which the discussion of authorities is mixed up with the relation of events? The proper mental attitude of the general historian is to take no thought of popularity. The remark of Macaulay that he would make his history take the place of the last novel on my lady's table is not scientific. The audience which the general historian should have in mind is that of historical experts—men who are devoting their lives to the study of history. Words of approval from them are worth more than any popular recognition, for theirs is the enduring praise. Their criticism should be respected; there should be

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never-ceasing work to avoid giving them cause for fault-finding. No labor should be despised which shall enable one to present things just as they are. Our endeavor should be to think straight and see clear. A circumstance should not be related on insufficient evidence because it is interesting, but an affair well attested should not be discarded because it happens to have a human interest. I feel quite sure that the cardinal aim of Gardiner was to be accurate and to proportion his story well. In this he has succeeded; but it is no drawback that he has made his volumes interesting. Jacob D. Cox, who added to other accomplishments that of being learned in the law, and who looked upon Gardiner with such reverence that he called him the Chief Justice, said there was no reason why he should read novels, as he found Gardiner's history more interesting than any romance. The scientific historians have not revolutionized historical methods, but they have added much. The process of accretion has been going on since, at any rate, the time of Herodotus, and the canons for weighing evidence and the synthesis of materials are better understood now than ever before, for they have been reduced from many models. I feel sure that there has been a growth in candor. Compare the critical note to a later edition which Macaulay wrote in 1857, maintaining the truth of his charge against William Penn, with the manly way in which Gardiner owns up when an error or insufficient evidence for a statement is pointed out. It is the ethics of the profession to be forward in correcting errors. The difference between the old and the new lies in the desire to have men think you are infallible and the desire to be accurate.

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IV.—FRONTIER LAND CLUBS OR CLAIM ASSOCIATIONS.

By Benjamin F. Shambaugh.

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FRONTIER LAND CLUBS OR CLAIM ASSOCIATIONS.

By Benj. F. Shambaugh.

The pioneer political institutions of which I purpose to speak in this paper are more specifically those of early Iowa. For it was upon the Iowa frontier that land clubs or claim associations reached their most perfect organization and attained their greatest influence. But the institution of the Frontier land club or claim association was in no sense a local, sectional, or temporary phenomenon. There are documentary evidences of its existence in Wisconsin and Illinois. And the annals of the West in general point to similar organizations among pioneer settlers from the early days of the self-governing communities of Wautauga, Cumberland, and Transylvania down to the recent rush for land in Oklahoma. The Iowa land club or claim association should, I believe, be viewed simply as an illustrative type of frontier extra-legal, extra-constitutional political organization in which are reflected certain principles of American life and character. It is, moreover, distinctively a Western institution. A product of frontier life, its nature, purpose, meaning, and influence are understood and appreciated only when interpreted as expressions of that life.

It was through cession, purchase, and conquest that the United States came into possession of a vast public domain. The fertile farming fields of the West formed a very considerable portion of this common domain. Title to the land vested absolutely in the Government of the United States. But the right of the Indians to occupy the country was not disputed. And until such right had been extinguished by formal agreement, entered into between the United States and the Indians, no white citizen was competent to make legal settlement therein.

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As early as 1785 Congress provided that no settlement should be made on the public domain until the Indian title thereto had been extinguished and the land surveyed. Again, in 1807, Congress provided—

That if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States; or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled; or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law; such offender or offenders shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be to the lands aforesaid, which he or they shall have taken possession of, or settled, or caused to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States to direct the marshal, or the officer acting as marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded, or secured to the United States, by treaty, or cession, as aforesaid, any person or persons who shall hereafter take possession of the same, or make, or attempt to make a settlement thereon, until thereunto authorized by law. And every right, title, or claim forfeited under this act shall be taken and deemed to be vested in the United States, without any other or further proceedings.[1]

In March, 1833, the act of 1807 was revived with special reference to the Iowa country to which the Indian title was to be extinguished in June. It was made "lawful for the President of the United States to direct the Indian agents at Prairie du Chien and Rock Island, or either of them, when offenses against the said act shall be committed on lands recently acquired by treaty from the Sac and Fox Indians, to execute and perform all the duties required by the said act to be performed by the marshals in such mode as to give full effect to the said act, in and over the lands acquired as aforesaid."[2]

[1] U. S. Stat. at Large, Vol. II, p. 445.
[2] U. S. Stat. at Large, Vol. IV, p. 665.

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Thus it is plain that settlers had no legal right to advance beyond the surveyed country, mark off claims, and occupy and cultivate lands which had not been surveyed and to which the United States had not issued a warrant, patent, or certificate of purchase.

But the population of the frontier grew—it grew rapidly—literally by leaps and bounds. On their way to the Western prairies settlers did not pause to read the United States Statutes at Large. They outran the public surveyors. Soon after the close of the Revolutionary war they began to violate the ordinance of 1785 by settling on public lands without obtaining titles. Later they ignored the act of 1807. And it is doubtful if the early settlers of Iowa ever heard of the act of March 2nd, 1833. Some were bold enough to cross the Mississippi and put in crops even before the Indian title had expired; some squatted on unsurveyed lands; and others, late comers, settled on surveyed territory. The Government made some successful effort to keep them off Indian soil. But whenever and wherever the Indian title had been extinguished, there the hardy pioneers pressed forward, determining for themselves and in their own way the bounds and limits of the frontier.

Hundreds and thousands of claims were thus located! Hundreds and thousands of farms were thus formed! Hundreds and thousands of homesteads were thus established! Hundreds and thousands of improvements were thus begun! Hundreds and thousands of settlers from every part of the Union thus squatted on the national commons! All without the least vestige of legal right or title! In Iowa alone there were, in 1836, when the surveys were first begun, over 10,000 of these squatters. In 1838, when the first lands were offered for sale at Dubuque and Burlington, the population numbered 22,859.

These marginal or frontier settlers (squatters as they were called) were beyond the pale of constitutional government. No statute of Congress protected them in their rights to the claims they had chosen and the improvements they had made. In law they were trespassers; in fact they were honest farmers. Now, it was to meet the peculiar conditions of frontier life and especially to secure themselves in what they were pleased to call their rights in making and holding claims that land clubs or claim associations were established. Nearly

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every community in early Iowa had its local land club or claim association. It is impossible to give definite figures, but I think it is safe to say that over 100 of these extra-legal organizations existed in Territorial Iowa.

But few of the many frontier land clubs in Iowa have left adequate records. I have been able to secure complete and satisfactory manuscript records of but two organizations, namely, the Claim Association of Johnson County and the Claim Club of Fort Dodge. The constitution of the former, comprising about six pages of printed matter, was first published by Prof. Jesse Macy in the Johns Hopkins University Studies in Historical and Political Science, Volume II. The complete records, covering 190 pages, were edited by the writer and published by the Iowa State Historical Society in 1894. The manuscripts of the latter have only recently been edited by the writer and will be published by the Historical Department of Iowa in the near future.

THE CLAIM ASSOCIATION OF JOHNSON COUNTY, IOWA.

The Claim Association of Johnson County was, in its organization and administration, one of the most perfect, not only in Iowa, but in all the West. And of still greater importance is the fact that this association has left adequate manuscript records—records so complete that they afford invaluable material for the study of claim associations in general.

The Johnson County association received the hearty support of the inhabitants of the entire county. Men of all classes and positions signed the constitution and became members. Along with the signatures and marks of unknown "squatters" are the names of Robert Lucas, the governor of the Territory; S. C. Hastings, delegate to the legislative assembly, and subsequently chief justice of Iowa and also of California; William McCormick, judge of probate; William C. Massey, constable, and Robert Walker, justice of the peace.

There were two things that made the Claim Association of Johnson County especially necessary to the welfare of the early settlers. First, the location of the seat of government of the Territory of Iowa in this county brought on a flood of immigration. The rapid influx of "newcomers" and land

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speculators would undoubtedly have deprived many honest and industrious settlers of their claims and improvements had it not been for the powerful arm of the association. Second, Congress, in an act providing for the donation of a section of land to the Territory of Iowa for the purpose of erecting public buildings thereon, reserved the contiguous sections from sale, either at public auction or by private entry. This clause, which prevented many settlers from purchasing claims which they had made and improved before the location was made, was not repealed for over three years. During this period the claim holders were in special need of the protection of a claim association.

The constitution and laws of this association as taken from the original records are as follows:

ARTICLE 1ST.

SECTION 1st This association shall be known by the name and Title of the Claim association of Johnsons County

SECT 2. The officers of this association shall be one President, one Vice President One Clerk or Recorder of claims deeds or transfers of Claims, seven Judges or adjusters of claims or boundrys One of whoom shall be qualifyed to administer the oath or affirmation and whoos duty it shall be to attend all judicial courts of the association and two Marshalls, all of whoom shall be elected as herein after provided and directed.

SECT 3. The President and Vice President, shall be elected annually by ballot of the association and there term of office shall be for one year commencing with the eleventh day of March 1839. and ending the day preceding said eleventh day of March of each and every year here after.

SECT 4 The President shall have full power to keep order at all meetings of the association decide on all questions of Order and where the association is equally devided as is custimary in deleberative assemblys and such other powers as is here in after express and defined and none others

SECT 5 The Vice President shall in the absence of the President exercise all the duties powers and privaleges of the President and shall be governed by the laws and regulations governing the President.

SECT 6. The President shall have power to call a meeting of the association at any time he may think public interest demand it provided all such meetings be called in pursuance of ten days public notice there of and such public notices specify the time and place of such meeting and that said public notices be posted at five or more of the most public places in the County.

7. The Clerk or Recorder shall be elected annually by ballot of the association for a term of One year commencing with the eleventh day of March 1839 and ending with the day preceding said 11 day of March of each and everry year here after.

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8. The duties of the Clerk or recorder shall be to keep a fair record of all procedings of the association at each and everry meeting, record all claims that may be left with him and in the order they may be deposited and indorsed the time such claim was handed in for record and record all Transfers or Deeds or assignments of Deeds regularly and in the order they may be deposited and indorse the same with the time they ware deposited and the page they have been recorded on the Clerk shall have some stated place of residence and in case of removel he shall give public notice thereof and state where he has removed to, and previous to his entering on the duties of his office he shall apply to the President for a certificate of Election and take an oath or affermation that he will well and truely discharge all the duties of his office with out fear favour or affection to the best of his abilities and it shall further be the duty of the clerk to furnish a Book for the association and enter all the procedings in such Book and make all records in said Book and carefully preserve all papers belonging to the association. the clerk or Recorder may deputize any person to assist or act in his absence but shall be responsable for all acts of said Deputy in the capacity of Clerk or Recorder.

SECT. 9. The Judges or adjusters of Claims shall be elected annually and for a term of one year commencing with the 11 day of March 1839. and ending with the day preceding said elevnth day of March of each and everry year here after.

The duties and powers of the judges or adjusters of claims shall be to decide on all questions of dispute relative to the rights of claims or parts of claims as the case may be and settle all disputed lines or boundrys. between members of this association and any other individuals and make return in writing to the Clerk the manner all cases brought before them has been disposed of=any five of the judges elect shall compose a court and any three of such court agreeing in any case brought before them shall be a final decession in the case. no evidance shall be received but such as is recognized by the laws of the Territory as legal in common law, and all evidence shall be on oath or affirmation the Judges or adjusters shall be required previous to there entering on the duties of there office to apply to the President of the association for a certificate of election and take an oath or affirmation that they will well and truly descharge the duties of there office with out fear favour or affection to the best of there abilities.

SECT. The Marshals shall be elected as other officers and there term of office shall commence and expire as other officers of this association and there duties shall be to serve all processes that may be handed them and make return there of as directed and to enforce all decissions of the judicial court. and all other laws of the association and they shall have full power to demand the assistance of a sufficient number of the members of this association if they find it nesasary to carry all decissions and laws in to effect.

ARTICLE 2.

SECTION. 1. The sallerys of the officers of this association shall be as here in after provided for.

The Clerk or Recorder shall receive Twenty five cents for recording each

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and everry claim and fifty cents for everry deed or conveyance to be paid by the persons wishing such record made and in all cases he may require his fees in advance and Twelve & a half cents for the privalege of examining his Books provided however members having entered there claims shall have the privalege of examining said Books for information relative to there own claim free of any charge—

ARTICL 2.

Sect. 2. The Judges shall receive on Dollar & fifty cents and the Marshals shall receve one Dollar and fifty cents for everry day spent in discharge of the duties of there respective offices

ARTICLE 3.

Section. 1. All members. of the association shall be required in making claims to stake them off or blaze them in such a maner that the lines of such claims can be easily traced or followed and all claims thus made in order to be respected must be entered on record and there as fully and accurately described as practacable giving the names of the creek River or branch where such shall be the boundrys on any side and where bounded by other claims give the owners name of such claim if known and where the lands have been surveyed they shall be required to give the range Township and qr section as is custimary in describing surveyed Lands. and further persons making claims shall be required to put the initials of there names either on a tree or stake at each corner of there claims, no person shall hold more than 480 acres or three quarter sections of land by making claim thereto, and this quantity shall in all cases be recognized and constitute a claim let the same lye in a boddy or detached parcels. provided however that said claim is not in more than three separate and detached parcels. all persons wishing there claims recorded shall hand them in to the recorder in writing with there signature there to All Deeds of conveyance shall be admitted to record and all assignments of Deeds and the first on record or admited for Record shall have the prefferance persons purchasing claims or parts of claims shall in all cases be required before the clerk to state on honour. that the amount specifyed in the deed or transfer is the actual amount paid for such claim or part of claim as the case may be and that the purchase is valid and in good faith and that it has not been made to evade the law restricting persons in making claims to 480 acres or three quarter sections. this clause shall not be so construed as to deprive persons who sells there claims or a part there of taking another or a part as the case may be nor shall it be so construed that persons purchasing shall be deprived of the privalege of making a claim. nor shall any person or persons be entitled to make a claim from the fact of there having swaped or exchanged claims any person purchasing a claim and refusing to pay for it shall forfeit all claim there to and such claim thus forfeited shall revert back to the person selling such claim

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ARTICLE 3.

SECTION 1ST. All persons having sold or purchased claims previous to the organization of this association and the adoption of the laws for the government of said association shall be entitled to all the privaleges and rights the laws of this association extend to those selling or purchasing after the adoption of said laws.

SECT. 2 Any white male person over the age of eighteen can become a member of this association by signing the laws rules and regulations governing the association. no member of the association. shall have the privalege of voting on a question to change any article of the constitution or laws of the association unless he is a resident. citizen of the county and a claimholder. nor shall any member be entitled to vote for officers of this association unless they are claimholders. Actual citizens of the County. over the age of seventeen who are acting for them selves and dependent on there own exertions, and labour, for a lively hood, and whoos parents doe not reside with in the limits of the Territory can become members. of this association and entitled to all the privaleges of members. no member can be declared elected an officer of the association unless such person shall have received a majority of the votes of the members presant, entitled to vote when such election shall take place. Any law or article of the constitution of this association may be altered at the semianual meetings and at no other meetings provided however. that three fifths of the members presant who are resident citizens of the county and actual claim holders shall be in favour of such change or amendment, *except that section fixing the quantity of land that everry member is entitled to hold by claim and that section shall remain unaltered*

SECTION 3 The semianual meetings of This association shall take place on the first Monday of February and August of each year yere after and the election of all officers, shall be had at the February meetings after the first which first election shall be had immediately after the adoption of the foregoing laws

SECT 4. In case of a vacancy in any of the offices of the association the president shall have power to fill such vacancy until the first semianual meeting that may occur after such vacancy may have taken place. and then there shall be a special election held to fill such vacancy, until the anual election.

SECT 5 all persons who have resided with in the limits of the County for Twoo months. shall be recognised and considered as citizens of the County.

ARTICL 3

SECT. 6,. Members of the association who are not citizens of the County shall be required in making claims to expend in improvements on each claim he or they may have made or may make the amount of fifty Dollars with in six months of the date of making such claim or claims and fifty Dollars everry six months there after until such person or persons becomes citizens of the county or forfeit the same—

7 All persons residing in the county at the adoption of the foregoing

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laws shall be entitled to the privalege of voting at this meeting but after this it shall require two months residence to become a citizen of the county.

8 All claims made after the adoption of the foregoing laws shall be registered or offered for record with in ten days after the making there of and all persons making claims after the adoption of the foregoing laws. shall be required in presenting his or there claim for record to state on honour before the recorder that such claim or claims has not been previously made or if made that they have been forfeited by the laws of this association to his or there personal knowledge.

9 All resident members whoos claims has been made previous to the adoption of the foregoing laws shall have the privalege of thirty days to have the same recorded in —— And those who have made claims previous to the adoption of the forigoing laws. who are not citizens of the county shall have ninety days to have the same recorded in. And no person or persons shall have the privalege of registering claims in the name of nonresident persons

10. All trials or disputed cases shall be brought before the judicial Court in the following manner. any member of the association or the agent of any member of the association who is authorized to act as agent in writing for such person or persons believeing their rights have been intruded on shall apply to any one of the seven judges who compose the judicial court and the judge so applyed to shall appoint a place and time for a meeting of the court and in writing authorise the marshalls to summons a sufficient number of judges to attend to compose a court at such a place as he may deem most expedient to hold said court and further the judge so applyed to shall in writing authorise the marshall to summons all persons whoos testimony may be nesasary in said case and to authorise the marshalls to notify the defendant. in such case of the place and time of holding such court and summons all witnesses that either of the parties may require the court may previous to there proceding to investigate any case require the plaintiff and defendant to deposit a sufficient sum of money in there hands to defraay the expenses of said sut or the costs of said suit. and should either party refuse to deposit such sum of money the court may render judgment against such person refusing to doe the court shall in all cases brought before them be governed in their decissions by the laws of this association equity and justice

Sect 11. Any member refusing to be governed by the laws of the association or decission of the court shall no longer be considered a member and his name shall be striken from the association for the faithful observance and mantanance of all the foregoing laws we mutualy pledge our honours, and subscribe our names here unto.

In addition to the Constitution and Laws, Resolutions were from time to time adopted which had the force of law among the members of the association. The following are typical resolutions:

Resolved, that more effectually to sustain settlers in their just claims according to the custom of the neighborhood and to prevent difficulty and

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discord in society that we mutually pledge our honours to observe the following resolutions rigidly That we will not associate nor countenance those who do not respect the claims of settlers and further that we will neither neighbor with them.....Trade bater deal with them in any way whatever.....enemys of justice and good order[1]

Resolved that to avoid difficulty growing out of the circumstance of persons extending their improvements accidently on the claims of others before the Lines were run thereby giving the first setlr an opportunity or advantage of Preemption over the right ful owner that any person who hold such advantages shall immediately relinquish all claim there to to the proper owner and any one refusing so to do shall forfeit all claim to the right of protection of the association

Resolved that we discountenance any attempts on the part of any and every person to intrude in any way upon the right ful claims of another and that the presumption is that a person thus attempting to take away a portion of the hard earnings of the enterprising and industrious settler is dishonest & no Gentlemen On motion the resolutions were unanimously adopted

Therefore be it Resolved. that the members of this association hereby pledge themselves to unite their influence. to secure to each and every member of this association any claim to which he is justly entitled by preventing any other person or persons from entering the same without the claimants consent . . . will at all times pledge . . . and hereby pledge ourselves to cooperate with each other in enforcing all just measures that may be adopted for the protection of the claimants and setlers in their respective townships

Resolved that for the purpose of garding our rights against the speculator we hereby pledge ourselves to stand by each other and to remain on the ground until all the sales are over if it becomes necessary in order that each and every setler may be secured in the claim or claims to which he is justly entitled by the Laws of this association

Resolved that the same protection which is hereby pledged to the members of this association before the sale we hereby pledge ourselves to extend the same to all such members as may be unable to enter their claims at the sale after such sale and until the same may be entered by them

The following are typical records of claims as recorded in the claim book:

The following is a description of my claim made about the 15 of January 1838. that I wish recorded. Situated on Rapid Creek About Two Miles above Felkners & Myers mill Johnson County Iowa Territory Commencing about 20 Rods South of Rapid Creek at a double white Oak Tree Blazed & 3 notches on one side and 4 on the other and then running West three fourths of a mile to a double white Oak on the east side of a small branch Blazed and marked as before described then running North about three fourths of a mile to a white Oak tree Blazed and marked as before

[1] The original manuscript is in places badly mutilated.]

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then running East about three fourths of a mile to a small Bur Oak tree on the West side of Rapid Creek marked and blazed as before mentioned then running South crossing Rapid Creek to the place of beginning

GRIFFITH SHRECK

March 20th 1839.
20 march 1839.

The following is a description of a claim I wish to have Recorded situated on the Iowa River in the County of Johnson commencing on the bank of the Iowa a a maple Tree and then running half a Mile North to a Elm Tree then one mile west to a Red Oak. then half a Mile South to a white oak on the bank of the River then with the River to the place of beginning containing about 320 acres the above claim was made in February. 1839
handed in 6 April 1839.

his
WESTLEY × MORFORD.
mark

The following claim I purchased of John Kight in February 1839. & I wish it registered to me as a claim made as I have not got his deed with me the same being the S W qr of S 14. & that part of the S 1/2 of S 15. that Lyes East of the Iowa River — T 79 N. R. 6 W. July 3rd 1840
handed in July 3rd 1840

ROBERT LUCAS

Illustrative quitclaim deeds, as recorded in the claim book, are the following:

Know all men by these presents that I Nathaniel Fellows of the County of Johnson and Territory of Iowa for and in consideration of the sum of seventy five Dollars to be paid on or before the 4 day of July next by Isaac. N. Sanders. of the County of of Louisa & Territory aforesaid the receipt of a Note of this date for the above amount is hereby acknowledged. I do hereby release and give a quit claim unto Isaac N. Sanders of the County & Territory aforesaid. all my right and title to the following described tract of land (to wit) beginning at the North East corner at a hickory Tree near the Iowa. River. from thence running south to a white oak Tree thence running west to a stake on the east line Olivia Curriers Claim thence running in a north west direction to a Birch Tree on the bank of Cleer Creek thence with the meanderings of said stream East to the mouth thence by the meanders of the Iowa River to the place of beginning in witness whereof I have hereunto set my hand and seal this 8 day of may 1839

NATHANIEL FELLOWS [L S]

Note
The above Claim is known as Shaddocks claim and supposed to contain one half section of land.
attest Deleverd.
J. BOWAN.
handed in May 8. 1839

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Articles of Agreement made and entered into this 17 day of June 1839 by and between Stephen S Phelps of the County of Warren in the State of Illinois of the first part and Jacb H. Stover of the other part witnesseth that the said Stephen S. Phelps has this day bargened & sold unto the said Jacob H. Stover all his right interest and claim in and to the trading House claim on the North side of the Iowa River lying immediately on said River Known and designated as the trading House claim being the same on which Mr Wheten Chase now resides as Tennant together with the rent of twelve Bushels of Corn to the acre for Twenty acres & the same rent for the balance of the field provided it should have an average crop with said Twenty acres. but should it not turn out to be so good to pay in proportion to the crop said Crop to be delivered in the crib by the said Mr Chase & to be received by the said Mr Stover when ever called upon by the said Tennant Mr. Chase for and in concideration of the sum of fifteen hundred Dollars. One thousand Dollars of which sum has been paid & the said Stover having executed his note for the payment of five hundred Dollars. on the first of March next. and the said Phelps agrees on the payment of said note to deduct. seven percent per annum interest for the same—and the said Phelps further agrees on the payment of said note at maturity to give peaceable possession of said claim in testimony whereof the said Phelps has hereunto set his hand & seal this day and date first above written

STEPHEN S PHELPS [SEAL]

Test

J. B. PATTERSON

handed in February 26th 1840

This bargen made and entered into by the following parties Viz this day I James Williams has bargened and sold to Philo Costly a certain claim lying on the E side of Rapid Creek boundrys of said claim as follows commencing at a white Oak tree standing about 80 Rods. below the upper forks of Rapid Creek thence running south 1/2 mile thence E 1 mile to a stake standing on the Prairie near 2 Trees. thence N 1/2 mile to a stake thence W. 1 mile to the starting place—I the said Williams agree and bind myself to defend. all rights & claims excepting the claim of the general Government and also singular all rights claims & Interests to said claim for and in concideration of the sum of one hundred Dollars the receipt thereof I here in acknowledge said Williams agrees to put up a House and finish Except putting up the Chimney & dobing and also said Williams is to Haul out. Eight or Ten hundred rails all included for the receipt above mentioned.

Receipt. Johnson County. I. T. January 25, 1841

JAMES WILLIAMS [SEAL]

Witness

CORNELIUS HENYAN

Handed in Februrary 3rd 1841

THE CLAIM CLUB OF FORT DODGE.

The first records of the Claim Club of Fort Dodge are of a meeting held on the 22d of July, 1854. At this meeting a

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committee was chosen to draft a code of laws, and the following motions were passed:

1st. That 320 Acres shall constitute a claim.

2nd. A claim may be held one month by sticking stakes and after that $10.00 monthly improvements is necessary in order to hold a claim. Also that a cabin 16 x 16 ft. shingled and enclosed so as to live in is valued at $30.00.

Of the same date are the following records:

Whereas the land in this vicinity is not in market and may not be soon, We, the undersigned claimants deem it necessary in order to secure our lands to form ourselves into a Club for the purpose of assisting each other in holding claims, do, hereby form and adopt the following byelaws:

Resolved 1st That every person who is an Actual claimant is entitled to hold 320 Acres of land until such time as it comes into market.

" 2d That any person who lives on their claim or is continually improving the same is an actual Claimant.

" 3d That stakeing out a claim and entering the same on our Claim Book shall hold for one month.

" 4th That $10, Monthly shall hold a claim thereafter.

" 5th That no mans claim is valid unless he is an actual settler here, or, has a family and has gone after them, in which case he can have one month to go and back.

" 6th That any person not living up to the requirements of these laws shall forfeit their claim, and, any Actual Settler who has no claim may settle on the same.

" 7th That any person going on anothers claim that is valid, shall be visited by a Com. of 3 from our club and informed of the facts & if such person persists in their pursuits regardless of the Com or claimant they shall be put off the Claim by this Club.

" 8th That the boundaries of these laws shall be 12 miles each way from this place.

" 9th That this Club shall hold its meetings at least once in each month.

" 10th That the officers of this club shall consist of a Chairman & Secty.

" 11th That the duty of the Chairman is to call to order, put all questions, give the casting vote when there is a tie, &c. &c.

" 12th That the duty of the sec. is to keep the minutes of the meetings and read the same at the opening of each meeting and have the book and papers in his charge.

" 13th That any or all of the bye laws may be altered or abolished by a majority vote at a regular meeting.

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The following notes are taken at random from the minutes of the club:

(*a*) On motion of Mager Williams the clame of Henry Nories was Struck from the clame book

(*b*) On Motion of Mr. Wm. R. Miller that if any member of this club finds his or any of his friends Clames has been Jumpt that they inform this Club of the fact and that this Club forthwith put them off said clame without trobling the sivel law.

(*c*) A cauld meeting of the Club and was called to order by E. H. Albee Presadent. On motion of Wm. R. Miller the next half of section 18 Township 89 Rang 29 formerly clamed by Cardis Hardman and on the 30 of April 1855 transfurd to A. H. Eaton and at this time held by Edwin W. Mallory be struck from the clame Book and the names and clames of A. H. Eaton & Edwin W. Mallory with it.

(*d*) On motion of george B. Sherman the name with the clame of David Mallory be struck from the clame Book.

(*e*) On motion of Mr. Hartman the clame and name of Wm. W. Mallory be struck from the clame Book.

THE SIGNIFICANCE OF THE FRONTIER CLAIM ASSOCIATIONS.

With these descriptive and illustrative details in mind, it is proper in conclusion to interpret the facts relative to frontier land clubs or claim associations by pointing out the immediate, practical, and local results of these associations, by indicating their place in the broader field of Western American history, and finally by suggesting their meaning in the larger outlook of the general evolution of legal and political institutions.

The immediate, practical, and local results of frontier land clubs or claim associations were:

First, to make it possible and practicable for the settlers to go upon the public domain (surveyed or unsurveyed) and establish homes without the immediate expense of paying for the land.

Second, to secure the bona fide settler in the right to make improvements on the public lands and to dispose of the same for a reasonable consideration, or to purchase his improved land from the Government at the minimum price of $1.25 per acre.

Third, to afford the bona fide settler adequate protection in the peaceable possession and enjoyment of his homestead without fear of being molested or ousted, either by the Government or the newcomer or the land speculator, until the

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land was offered for sale or opened for entry or until he was able to enter or purchase the same.

Fourth, to foster natural justice, equality, and democracy on the frontier by establishing order under a government founded upon the wishes of the community and in harmony with the peculiar conditions, social and economic, of the community, by giving security alike to all bona fide settlers, by limiting the amount of land any one settler could rightfully hold, by requiring all disputes to be settled in regularly constituted courts, and by conducting all public affairs in and through mass meetings, with the full knowledge and consent of all the people.

Again, as the West has a place in American history, so frontier land clubs or claim associations have a significance in the history of the great West. They stand for the beginnings of Western local political institutions. They were the first governments of the pioneers. They are fountains of that spirit of Western democracy that permeates the social and political life of America during the nineteenth century.

In their laws and resolutions they suggest, and in a measure definitely determine, the manner of disposing of the public lands. The principles of the most important legislation of Congress relative to the public domain came from the frontier. A comparison of the customs, constitution, laws, resolutions, and regulations of the frontier settlers with the provisions of the preemption and homestead acts reveals the truth that the latter are largely compilations of the former. These purely American principles of agrarian polity are products of frontier life.

I would go even further, and suggest that in this line of thought we have come across the origin of the American principle of homestead exemptions. Is it not reasonable to suggest that the emphasis which frontier life and customs placed upon the importance and value of the homestead gave birth to the laws that are "based upon the idea that as a matter of public policy for the promotion of the property of the State and to render independent and above want each citizen of the Government, it is proper he should have a home—a homestead—where his family may be sheltered and live beyond the reach of financial misfortune?" I am not sure but that homestead exemption legislation originated in Iowa.

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Finally, frontier land clubs and claim associations illustrate a general law in the evolution of legal and political institutions. I mean the law that in the history of mankind the beginnings of legal and political institutions are not found in codes and statute-book compilations. Custom precedes letters. Written laws and constitutions follow unwritten conventions. The history of the frontier land club or claim association confirms this generalization and justifies the statement of Professor Turner that there has been a "recurrence of the process of evolution in each Western area reached in the process of expansion." In the history of the frontier one may read over again the extra-legal origin of political institutions.

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V.—MISSOURI PARTY STRUGGLES IN THE CIVIL WAR PERIOD.

By Prof. SAMUEL B. HARDING,
UNIVERSITY OF INDIANA.

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MISSOURI PARTY STRUGGLES IN THE CIVIL WAR PERIOD.

By Prof. SAMUEL B. HARDING, University of Indiana.

In his reply to a delegation of Missouri Radicals in 1863, President Lincoln shrewdly analyzed the political differences which had distracted Missouri since the beginning of the Rebellion. "We are in civil war. In such cases," he said, "there always is a main question; but in this case that question is a perplexing compound—Union and Slavery. It thus becomes a question not of two sides merely, but of at least four sides, even among those who are for the Union. saying nothing of those who are against it. Thus, those who are for the Union with, but not without, slavery—those for it without, but not with—those for it with or without, but prefer it with—and those for it with or without, but prefer it without. Among these again is a subdivision of those who are for gradual but not for immediate, and those who are for immediate but not for gradual extinction of slavery. It is easy to conceive," he adds, "that all these shades of opinion, and even more, may be sincerely entertained by honest and truthful men. Yet, all being for the Union, by reason of these differences each will prefer a different way of sustaining the Union."[1]

Accepting this statement as the basis for a study of the political movements of the time, we find the history of the period falling into two chronological divisions. In the first, which extends to the end of August, 1861, the question at issue was primarily that of Union or disunion, slavery entering into the discussions only incidentally. In the second, from August 31, 1861, to January 11, 1865, slavery itself is the paramount issue, though differences continue, even among

[1] Nicolay and Hay, Abraham Lincoln, VIII, p. 221.

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the loyalists of the State, with reference to degrees of devotion to the Union. In the five years which follow the close of this second division, the echoes of the strife of the civil war linger in the controversies over disqualification and disfranchisement of rebel sympathizers, and enfranchisement of the negro, but with this period we shall not here concern ourselves.

Taking the vote cast at the Presidential election of 1860 as the starting point of our study, there is a certain significance in the figures. Missouri was the only State completely carried for Douglas, and his plurality over the Bell-Everett ticket was small. Of the 165,000 votes cast at this election the bulk was almost equally divided (58,801 and 58,372, respectively) between these two tickets; while Breckinridge received but 31,317 and Lincoln 17,028.[1] The one thing that this election made absolutely certain was that as matters then stood Missouri was overwhelmingly against both the extreme Northern and the extreme Southern positions. But when the crisis actually came, in the winter and spring of 1860–61, the magnitude of the issues involved and the feeling of kinship to and identity of institutions with the South, led many who had voted against Breckinridge to hesitate, and to incline more to the Southern view. In the effort to recall the seceding States to the Union, full—even exaggerated—recognition was given to the Southern causes of complaint; but the unconstitutionality of secession was proclaimed, and a peaceful and permanent accommodation of differences was urged, with earnest iteration.[2] The result, however, was different from what the authors of this policy expected. The conflict was indeed "irrepressible;" and their moderation only encouraged the secessionists of the State to redoubled exertions to carry Missouri out of the Union.

The leader in the latter movement was the newly inaugurated governor, Claiborne F. Jackson, the putative father of the famous "Jackson resolutions" of 1849, which had disrupted the Democratic party and put an end to Benton's sen-

[1] Switzler, History of Missouri, p. 297.

[2] See, e. g., letter of James S. Rollins to R. E. Dunn, Feb. 2, 1861, in Memoir of Rollins (privately printed N. Y., 1891). Rollins had been a leading Whig, and in 1857, as the candidate of the Whigs, Americans, and Benton Democrats, came within 334 votes of defeating Stewart for the governorship. Although one of the largest slave owners in the State, he had privately opposed the proslavery colonization of Kansas.

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atorial career. His predecessor, Governor Stewart, on laying down his office, January 3, 1861, had declared:

As matters are at present Missouri will stand by her lot, and hold to the Union as long as it is worth an effort to preserve it. * * * She can not be frightened from her propriety by the past unfriendly legislation of the North, nor be dragooned into secession by the extreme South. * * * She will rather take the high position of armed neutrality. She is able to take care of herself, and will be neither forced nor flattered, driven nor coaxed, into a course of action that must end in her own destruction.[1]

To this utterance, Jackson, in his inaugural address on the evening of the same day, opposed the following, which was patently in the interests of secession:

The destiny of the slave-holding States of this Union is one and the same. * * * If the Northern States have determined to put the slave-holding States on a footing of inequality * * * then they have themselves practically abandoned the Union and will not expect our submission to a government on terms of inequality and subordination. * * * I am not without hope that an adjustment alike honorable to both sections can be effected, * * * but in the present unfavorable aspect of public affairs it is our duty to prepare for the worst. We can not avoid danger by closing our eyes to it. The magnitude of the interests now in jeopardy demands a prompt but deliberate consideration; and in order that the will of the people may be ascertained and effectuated a State convention should, in my view, be immediately called. * * * In this way the whole subject will be brought directly before the people at large, who will determine for themselves what is to be the ultimate action of the State.[2]

In close alliance with Jackson in this endeavor acted Lieutenant-Governor Reynolds (who as president of the senate lent effective aid), the speaker of the house of representatives, the more important State officers, and both United States Senators, while a majority of the members of both houses of the general assembly, as shown by their votes and actions both before and after armed conflict had actually begun, were not seriously averse to secession.[3]

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[1] House Journal, 1861, p. 18–26; Snead, Fight for Missouri, p. 15–16.

[2] House Journal, 1861; Snead, Fight for Missouri, pp. 18–25. In a private letter to the president of the Arkansas convention, dated April 19, 1861, Jackson makes a more explicit avowal of his position: "From the beginning," he writes, "my own conviction has been that the interest, duty, and honor of every slave-holding State demands their separation from the Northern or nonslave-holding States."—(Convention Journal, July, 1861, p. 28; Appleton's Annual Cyclopedia, 1861, under "Missouri.") Yet Jackson had been elected as an avowed Union man, and in his inaugural professed "an honest devotion to * * * that Union which the Constitution was designed to perpetuate."—(House Journal, 1861, p. 45). This only makes evident the different degrees in which "Union and slavery" were confounded in the political principles of Missouri statesmen.

[3] Snead, pp. 53–54.

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At first, however, the assembly showed a disposition to moderation which its subsequent action belied. An act for the calling of a State convention, it is true, was passed within a fortnight after Jackson's recommendation, by a vote of 105 to 18 in the house and 30 to 2 in the senate. But in that act, by a vote of 17 to 15 in the senate and 81 to 40 in the house, a drag was attached to the wheels of secession in the shape of a provision declaring that "no act, ordinance, or resolution of said convention shall be deemed to be valid to change or dissolve the political relations of this State to the Government of the United States, or to any other State, until a majority of the qualified voters of this State, voting upon the question, shall ratify the same."[1] Various considerations doubtless contributed to the insertion of this provision. Among these may be named: First, a spirit of hesitation on the part of many members, and an indisposition to take the irrevocable step while there yet remained a plausible hope of securing a peaceful redress of grievances; and, secondly, a mistaken belief that the people were prepared to back the State administration in whatever steps it might deem needful to be taken.

After the election for delegates to the convention, which took place February 18, the latter belief could no longer be entertained. Parties as they had shaped themselves in Missouri by this time may roughly be divided into three, each, however, shading into the next by such insensible gradations of opinion as to render it difficult to draw the line of demarcation with any degree of exactitude. At the one extreme were the secessionists, the followers of Jackson; at the other the unconditional Union men, mainly of Free-Soil and Republican affiliations; while between lay the large body of citizens who hoped and expected to see the Union preserved, but would give their continued allegiance to it only on *condition* that the grievances of the South be redressed, preferably on some such lines as those indicated in the Crittenden compromise.[2] Of the three the unconditional Union men showed by far the greater energy, skill, and address. Under the moderate counsel of Frank Blair and the persuasive eloquence of

[1] Journals, House and Senate, 1861, passim. The act calling the convention may be found prefixed to the Journal and Proceedings of the Convention, etc., March, 1861.

[2] For an analysis of party grouping at this time see Snead, ch. 3.

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James S. Rollins, the German Republicans of St. Louis, who constituted the nucleus of the party, were brought into cooperation with those adherents of Douglas, Bell, and Breckinridge who were willing to declare themselves unconditionally for the Union.[1] The result of this combination was an overwhelming verdict at the polls against secession. In St. Louis County the Unconditional Union ticket was elected by 5,000 votes. For the State as a whole it was estimated that the Unionists' majority amounted to 80,000 votes, a majority equal to nearly one-half the total vote cast at the preceding Presidential election. Not one open and avowed secessionist, it may confidently be asserted, was elected to the convention; but, it must be confessed, many of its members were separated in sentiments by a wide range from the Unconditional Union delegates of St. Louis.

The object of the convention, as defined in its call, was "to consider the then existing relations between the Government of the United States, the people and governments of the different States, and the government and people of the State of Missouri; and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded." When it met, on February 28, 1861, its first act, after effecting a permanent organization, was to remove its sessions from the hostile atmosphere of Jefferson City to the more congenial air of St. Louis. There its work was carried on to the completion of the session. In due course its committee on Federal relations presented what a supporter characterized as eminently "a 'Union report,' presenting no ultimatum, uttering no threat, seeking to maintain the dignity of Missouri in an attitude of peace."[2] It was far, however, from being an antislavery document in any sense of the word. The report, as distinguished from the resolutions which it introduced, recognized that the "people of the South [had] well-grounded complaints against many of their fellow-citizens of the North," and instanced in this connection "the incessant abuse poured upon their institutions by the press, the pulpit, and many of the people of

[1] "I don't believe," one rigid partisan is reported as saying in opposition to the proposal of a joint ticket, "in breaking up the Republican party just to please those tenderfooted Unionists. I believe in sticking to the party." "Let us have a *country* first," responded Blair, "and then we can talk about parties." (Carr, Missouri, p. 284.)

[2] Convention Proceedings (March, 1861), p. 161.

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the North," and the State legislation and mob violence which prevented the execution of the fugitive-slave law. Nevertheless, the resolutions themselves declared unequivocally: First, that "at present there [was] no adequate cause to impel Missouri to dissolve her connection with the Federal Union;" second, that the people of the State were "devotedly attached to the institutions of [their] country;" and, third, that they deemed "the amendments to the Constitution of the United States proposed by the Hon. John J. Crittenden, of Kentucky, with the extension of the same to the territory hereafter to be acquired, by treaty or otherwise, a basis of adjustment which [would] successfully remove the causes of difference forever from the arena of national politics." In the fifth resolution, it should be added, the convention earnestly entreated "as well the Federal Government as the seceding States, to withhold and stay the arm of military power, and on no pretense whatever bring upon the nation the horrors of civil war."[1]

On the adoption of the first resolution—that there was no adequate cause for secession—there was but one dissenting vote;[2] and the second, vowing devoted attachment to the institutions of the country, was carried unanimously. The struggle came on the third and fifth resolutions, which declared for the Crittenden compromise and entreated both sides to refrain from warlike operations. To the latter an amendment was added, by a vote of 51 to 44, recommending "the policy of withdrawing the Federal troops from the forts within the borders of the seceeding States where there is danger of collision between the State and Federal troops."[3] To the former an addition was earnestly urged pledging Missouri "to take a firm and decided stand in favor of her sister slave States" in case the North refused a settlement on the basis of the Crittenden proposition and the other border States (Virginia, Maryland, North Carolina, Tennessee, Arkansas, and Kentucky) should all secede. Ultimately this amendment was rejected by a vote of 70 to 23, the more thoroughgoing Unionists putting their votes largely on the ground of a preference for the Douglas, the Corwin-Adams, or the Franklin propo-

[1] Convention Proceedings (March, 1861), pp. 55–58.
[2] Proceedings (March, 1861), p. 216.
[3] Ibid., p. 246. The phraseology is that later adopted by common consent. See p. 258.

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sitions, and an unwillingness to assent to anything partaking of the nature of a threat or an ultimatum.[1]

Before dismissing this session of the convention from our consideration, we may well look for a moment more closely at the views expressed by members of that body in debate. Secession was almost universally conceded, even by the most ardent sympathizers with the South, to be an unconstitutional and revolutionary act.[2] On the other hand, the wrongs of the South received equally universal recognition. Not one member of the convention at this session avowed the slightest hostility to slavery as an institution, or a desire to see it done away with. No man in that convention was more stalwart in his Unionism, or took a more active part when war came, in supporting the Federal Government than did James O. Broadhead, of St. Louis. Yet his position on this subject, as publicly avowed, is summed up in these words: "I am willing to go as far as any living man to protect the institution of slavery in the State of Missouri. I have no prejudice against the institution. I have been raised with the institution, and I know something of it. I am a slave owner myself; but I am not willing to sacrifice other interests to the slave interest, or say that it is the peculiar institution of Missouri, when we know that it is not true."[3] So, too, there was but one member of the convention willing to pledge himself explicitly, in case war came, to the defense of the Union, and he was a German, a native of Austria, Isidor Bush, of St. Louis. In the one speech that he made during the session, he declared: "While you, Mr. President, and all the members of this convention, I believe, only imagine the horrors of war, and fancy the evils of revolution, I *know* them. My eyes have seen what you can not imagine, what I can not describe—the terrors of civil war, of bloodshed, and revolution. * * * [Yet]

[1] Proceedings (March, 1861), pp. 217–230. It is to be noted as significant that out of the 23 members voting "no" on this question, 16 voted later against the crowning action of the convention in deposing Governor Jackson, while of the 70 "ayes," 56 recorded their votes in favor of that step. (Convention Journal, July, 1861, p. 20.)

[2] See, e. g., Proceedings (March, 1861), p. 165.

[3] Proceedings (March, 1861), p. 122. The nearest approach to an avowal of hostility to slavery is that of Linton, on p. 168: "Southern orators say that, like a scorpion girt by fire, slavery will sting itself to death if bounded. * * * If it is the scorpion it appears to be, we had better get rid of it in Africa than extend it through our Territories. At any rate we can not blame the people for being afraid of the scorpion. For myself, I want nothing better than the Corwin compromise reported by the committee of thirty-three."

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should a conflict be inevitable, I pledge myself that your German fellow-citizens will stand by the Government and the Union. They love peace. * * * [But] the history of their own thirty-four confederated states of distracted Germany teaches them that there is no peace and no liberty without union."[1]

On the whole, the convention was moderate and conservative in word and action, and its equal loyalty to the Union and to slavery undoubtedly reflects the dominant opinion of the State at this time. Its refusal to follow in the line marked out by Governor Jackson, however, was inexpressibly galling to the secessionists. To the action of this "sovereign" convention, which they themselves had called, a member replied from the floor of that assembly: "I defy the convention. They are political cheats, jugglers, and charlatans, who foisted themselves upon the people by ditties and music and striped flags. They do not represent Missouri. They have 'crooked the pliant hinges of the knee that thrift might follow fawning.' As for myself * * * I will never, *never*, NEVER submit to Northern rule and dictation."[2] The same acceptance of the views of the secessionist minority, despite the evidence, as the views of the people, and a determination to persist in secession projects, is seen in Governor Jackson's reply to the President's requisition for troops to repossess the forts and places seized from the Union. "Your requisition, in my judgment," telegraphed Jackson, "is illegal, unconstitutional, and revolutionary in its objects, inhuman and diabolical, and can not be complied with. Not one man will the State of Missouri furnish to carry on any such unholy crusade."[3]

It was evident then, and it is still more evident now, that Jackson and his adherents were bent on carrying Missouri out of the Union, with or without the concurrence of the majority of her citizens. To them democracy meant the rule of their faction. Into the details of the struggle which ensued we can not now enter. Jackson's efforts to secure mortars and siege guns to attack the arsenal at St. Louis, the assembling of State troops at Camp Jackson, and the hostile

[1] Proceedings (March, 1861), p. 244.
[2] Snead, Fight for Missouri, pp. 93–94.
[3] War of the Rebellion: Official Records, Series III, Vol. X, p. 83.

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legislation of the General Assembly must all be passed over, equally with the counter efforts of the committee of safety, the enrollment of Blair's "Home Guards," and the dogged and unwearying patriotism with which Capt. Nathaniel Lyon overcame what seemed to him to be the "imbecility * * * or villainy" of his immediate superiors. Suffice it to say that the schemes of the secessionists were frustrated. On May 10 Camp Jackson was captured by Lyon. Pause for a time was given to the progress of events by the Price-Harney agreement of May 21. But on June 12, Lyon, now at last at the head of the military Department, closed an interview with Governor Jackson at St. Louis in words that admitted of no misinterpretation. "Rather," said he (he was still seated and spoke deliberately, slowly, and with a peculiar emphasis)—all this on the authority of an eyewitness, a member of the governor's staff—"rather than concede to the State of Missouri the right to demand that my Government shall not enlist troops within her limits, or bring troops into the State whenever it pleases, or move its troops at its own will into, out of, or through the State; rather than concede to the State of Missouri for one single instant the right to dictate to my Government in any matter, however unimportant, I would" (rising, as he said this, and pointing in turn to everyone in the room) "see you, and you, and you, and you, and you, and every man, woman, and child in the State dead and buried." Then, turning to the governor, he said: "This means war. In an hour one of my officers will call for you and conduct you out of my lines." And then, without another word, without an inclination of the head, without even a look, he turned upon his heel and strode out of the room.[1]

The next day appeared Governor Jackson's proclamation calling for 50,000 men to drive the Federal troops from the State, and the war began.

The effect which these events had in producing a new crystallization of opinion with reference to the Union was no doubt great. Judged in the light of subsequent events, Lyon's attack on Camp Jackson was politically a mistake. War doubtless would have come in any event; but coming as it did, the result was to drive many hitherto Union men into

[1] Snead, Fight for Missouri, pp. 199-200.

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the Confederate camp. Harney, whose loyalty is now clearly established, was probably a fitter guide politically in these troublous times than either Blair or Lyon. At all events the policy of "Thorough," anticipating attacks and overriding nice distinctions of law and constitutionality, had for its effects the conversion to secession of men like Sterling Price—the president of the convention, and one of the best and most popular men in Missouri—and the complete surrender of the legislature to Governor Jackson's designs.

The changes produced in opinions by these events became evident when the convention reassembled July 22, 1861, on call of a committee intrusted with this power. The object of its session was to consider the situation produced by the flight from Jefferson City of the State government before the advance of the Union troops. Out of a membership of ninety-nine some sixteen, including the president of the body, failed to appear at any time, the inference being that they sided with the governor and against the convention. The debates, too, as recorded in the proceedings of the convention, show a distinct change in tone. In the former session the shading of opinions from extreme unionism, through moderate unionism to mild secessionism, was gradual and progressive. In this session opinion is seen crystallized into two sharply contrasting parties. On the one side are those who demand the vacation of the offices held by the governor, lieutenant-governor, secretary of state, and the members of both houses of the legislature. On the other side are those who, whether from sympathy with the governor's course, constitutional scruples, or fear of military rule and abolitionism, oppose such a course. The spirit of conciliation, which had marked the former session of the convention, has now disappeared. In its place is revealed the bitterness and animosity of party strife, the reflex in the council chamber of the armed conflict and guerrilla warfare of the State at large.

In this conflict the victory was with the party of action. By a vote of 56 to 25 Jackson was deposed; and by similar votes the other offices in question were declared vacant, and certain "odious laws" passed by the legislature in the interests of secession were abrogated.[1] This done, the convention pro-

[1] Convention Journal (July, 1861), pp. 20–22.

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ceeded to fill the vacancy in the governorship by the election of one of its members, Judge Hamilton R. Gamble, of St. Louis, to that position. Then, on July 31, having adopted an address to the people in justification of their course, the convention adjourned, again subject to call.

Soon after this date (August 10) came the disastrous battle of Wilson Creek, in which Lyon lost his life; and this was followed (August 30) by the proclamation of martial law. With these events the political struggle against secession may be considered as coming to an end. Thenceforth secession is a matter to be dealt with by the military power, whether found armed in the field or passive in the market or workshop. Thenceforth, through military control of the polls, through compulsory oaths of allegiance, through the levying of assessments on the property of disloyalists, and finally through disfranchising laws and constitutions, the political control of the State is for eight years in the hands of Union men exclusively.

So one chapter is closed; but a new one is forthwith opened. The difficulty is again exemplified of stopping a revolution halfway. The question of the Union once settled by the elimination politically of the disunionists, the question of slavery began to loom large before men's eyes. As early as 1857 Gratz Brown had made a speech in the Missouri house of representatives advocating and prophesying the abolition of slavery in Missouri, on grounds of the State's material interests.[1] And although the St. Louis Intelligencer

[1] Although "framed principally," as its author told a correspondent, "to suit [his] own meridian [St. Louis]," where there was a strong German element; and although "it was a startling speech to the house, in some respects," (Brown to G. R. Smith, Mar. 3, 1857, MS.), yet when judged by Northern standards it seems a comparatively innocent performance. The circumstance which called it forth was the introduction in the house of a senate joint resolution declaring that "the emancipation of the slaves held as property in this State would be not only impracticable, but that any movement having such an object in view would be inexpedient, impolitic, unwise, and unjust, and should, in the opinion of this general assembly, be discountenanced by the people of the State."

This resolution, Brown declared, had removed all restraints upon the opponents of slavery from discussing the subject, and had "made emancipation henceforth and forever an open question in Missouri." Slavery would be abolished there, he maintained; but out of regard for the poor white laborer, and not as an act of humanity to the slaves. "It will be here," he said, "as elsewhere, a conflict of race; and I do say that the increase of free white population, together with the white emigration from the other States coming to Missouri will, whenever and wherever the labor of the white man meets the labor of the slave, beside the same plowshares, in the same harvest field, face to face, not only be entitled to demand, but will receive, the preference: and that the labor of the white man will force the labor of the slave to give place and take itself off." By reference to statistics he showed that "the extinction of slavery as a system in our midst

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had styled the existence of an emancipation party in Missouri, "an impossibility, an impertinence, a nuisance, and a humbug,"[1] this was mere whistling to keep up one's courage. The elements for the formation of such a party did exist, and were bound with the development of the State to grow more numerous. "Every emigrant from the East or Europe," said Brown editorially in the Missouri Democrat, in answer to the foregoing stricture, "every mile of railroad constructed in the State, and every mine opened, is the auxiliary of that party. It will summon its recruits from the factory, the workshop, and the field; and so far from being a political and economic blunder, * * * it is the organization which of all others conforms most strictly to the principles of political and economic science."[2]

Under the operation of a solicitude to avert the threatened dissolution of the Union, antislavery opinions lost ground in the early months of 1861. But when war came, in its heat and glare, radical opinions developed rapidly. The policy embodied in Fremont's famous proclamation of August 31, 1861, declaring freed the slaves of Missourians taking arms against the United States, became the point of departure for a new antislavery agitation and a new political division. Before the close of 1861 the Union party was separating into two wings, styled respectively the Radicals and Conservatives. "We must give up slavery or we must give up the Union," was the position assumed by the former; and they demanded that the policy laid down in Fremont's proclamation, which had been overruled by the President, should be carried out. "If a man is right," replied one of their number to a criticism from Governor Gamble, "he can not be too radical; and if he is wrong, he can not be too conservative." These words aptly characterize the whole position of the Radical party.

is at this moment in the course of rapid accomplishment." "Missouri must, ere long, from the operation of natural causes, rid herself of the institution. * * * In all our domestic relations, as well as in our relations as a State of this confederacy, Missouri would be benefited by the liberation and riddance of every slave within her borders." He warned his fellow-representatives that while they were "higgling * * * for the indorsement of an effete system of slavery, the empire of the world" was gliding from their grasp, and passing to the free States on their borders. And as for the sentimental ties which, it was often urged, should bind them to the other slave-holding States, "Missouri," he exclaimed, "has nothing in common with the South, either in national or home concerns. Nor does she owe any debt of gratitude" to that section. (See speech in full in Missouri Democrat, February —, 1857.)

[1] Quoted by Missouri Democrat, Feb. 27, 1857.

[2] Missouri Democrat, Feb. 27, 1857.

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Right and wrong, were, in their eyes, sharply opposed. They were sure of the rectitude of their own views and they would tolerate no compromise.[1]

The slow progress of the war, the abolition of slavery in the District of Columbia (April 16, 1862), and the offer by Congress of financial aid to the loyal States adopting a policy of compensated emancipation, greatly strengthened the anti-slavery element in Missouri. By the close of 1862 the leaders of the Conservatives were united with the Radicals in the conviction that slavery must go; and Governor Gamble embodied this view in his message of December, 1862, to the legislature. The only difference between the two parties in this matter was as to ways and means. The Conservatives in the legislature, acting on the recommendation of the governor, wished to reconvene the existing convention to initiate emancipation, while the Radicals sought to secure the election of an entirely new convention. It was the Conservative policy which triumphed; and the majority of the convention, when it met, dealt with the subject in an eminently conservative way. "They indeed devised and adopted a scheme of emancipation," says a recent writer, "but it was one which, in the new condition of public opinion, seemed vitiated with a spirit of selfishness and an afterthought of evasion. * * * The institution of slavery in Missouri would have remained untouched for the period of seven years, with, of course, the contingent possibility of a change of public sentiment and a repeal of the ordinance before any right to freedom could accrue. * * * It was not to be expected that such a dilatory and half-hearted measure as this would receive popular acceptance."[2]

The measure did not, in fact, prove generally acceptable. The Radical agitation for emancipation went on more vigorously than ever;[3] and it now received the form of an organ-

[1] Governor Gamble's attitude is indicated in the statement of the Missouri Democrat, editorially, on November 27, 1861, that he "was in the first place a conditional Union man, afterwards an 'armed-neutrality' man, and now is, as always, a 'conservative' citizen."

[2] Nicolay and Hay, Lincoln, VIII, p. 209.

[3] The Radical position on slavery, by September, 1863, is exemplified in the remark of that Radical, George R. Smith, himself a slaveholder, whose epigrammatic reply to Governor Gamble has before been quoted. He "didn't care," he is reported as saying in a public speech, "if the Copperheads lost all their slaves, and he had got to that point where he didn't care much if his Union friends lost theirs also." (St. Louis Republican, September 2, 1863.)

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ized protest against the whole Conservative rule of the State and the Federal policy which supported it. To embody this protest, a mass convention was called to meet at Jefferson City September 2. From the standpoint of the Radical organ of St. Louis, the meeting was "the most successful and most important political convention ever held in the State." "The convention derives its importance," it said in another issue, "from the position which it has taken upon the questions of the day. The ground which it has seen fit to occupy will command at once the national attention and respect. For the first time in the history of the nation a great party has adopted a platform of unconditional freedom as the basis of a thorough State organization in a slave State. The party which has done this holds the destinies of Missouri in its hands."[1] The Conservative organ, on the other hand, characterized the convention as a "meeting of conspirators against the peace of this State; of those who propose to put out of office, by force, the present State government and to improvise a new State government on its ruins; of those who are not satisfied with the ordinance of emancipation, or rather with that amendment of the Constitution which wipes out slavery in this State in less time than it was ever accomplished in any other State of the Union; of that class who propose radical changes in this military department, and, failing that, to denounce the President and his Cabinet for refusing to carry out their insane and treasonable projects."[2]

The root of the matter was that Governor Gamble's administration, while it had reflected the consensus of Union opinion in July, 1861, was too lukewarm for the Radical Union opinion which had since developed. The fifth resolution adopted by the convention arraigns the provisional government as "untrue to the people" of the State, the following being the chief counts in the indictment: the use of the forces of the State to maintain slavery; the disarmament of loyalists and the establishment of the "enrolled militia," many of whom are characterized as "known and avowed disloyalists;" and a refusal to cooperate with the General Government, particularly in the execution of orders levying assessments against disloyalists. The most efficacious way of securing a redress of their griev-

[1] Missouri Democrat, Sept. 3 and 4, 1863.
[2] St. Louis Republican, September 1, 1863.

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ances, in the view of the convention, lay in the sending to Washington of a committee so large that it could not be charged, as had formerly been the case, with being the representative of a mere faction. A committee of one from each county—seventy in all—was accordingly appointed to lay their grievances before the President.[1] In due time the committee made the trip and was received by Lincoln. The mingled tact and firmness with which the latter handled the matter of these party differences in Missouri is worthy of the highest praise. It was in his formal reply to this delegation that Lincoln used the language with which this paper begins. He was obliged to refuse the more important demands of the committee, and to let them know that the reins of mastery lay in his hands. "It is my duty to hear all," he said; "but at last I must, within my sphere, judge what to do and what to forbear."[2] His own sympathies, however, were with the Radicals, because of the integrity and sincerity of their political views. "I believe, after all," he remarked to his secretary, Mr. Hay, some weeks later, "those Missouri Radicals will carry their State, and I do not object to it. They are nearer to me than the other side in thought and sentiment, though bitterly hostile personally. They are the unhandiest fellows in the world to deal with; but, after all, their faces are set Zionwards."[3]

President Lincoln's forecast of results in Missouri proved to be correct. At the election held November 3, 1863, the Radicals made some gains and won a slight victory, the soldiers' vote being cast almost unanimously for their ticket. In January, 1864, occurred the death of Governor Gamble, the most conspicuous leader of the Conservatives. This materially weakened the party, and as the Presidential election of that year came on the Conservatives as an organization practically went to pieces. The voters of Democratic antecedents returned to the Democratic fold and supported McClellan on the Chicago platform, which declared the war a failure, while those of Whig and "American" origin little by little fused with the Radicals. The hostility of the latter proved to be more a matter which concerned the leaders than

[1] The resolutions of the convention may be found in the St. Louis papers for September 3, and in a condensed form in Appleton's Annual Cyclopedia for 1863.

[2] Nicolay and Hay, VIII, p. 223.

[3] Ibid., p. 220.

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the rank and file, and despite the opposition of some German Fremonters, Lincoln carried the State in November by 40,000 majority. For the first time since the beginning of the war State officers were chosen at this election, and the entire Radical ticket, with Governor Fletcher at its head, was elected by a similar majority. In the elections to the general assembly the Radicals secured a majority of the senate and three-fourths of the lower house. Finally, at this election it was decided that a new constitutional convention be called, whose first duty, it was well understood, would be to pass an immediate emancipation ordinance, and of the delegates chosen to this body three-fourths were taken from the Radical party.

The work of the convention of 1865 was of great political importance, but it may only detain us now for a moment. By a decreee of January 11 slavery was abolished, immediately and without compensation; and so was closed the second chapter in the history of the contest. But, as in the former case, a new chapter was forthwith opened by the insertion, in the constitution adopted by the convention, of the most radical disfranchising provisions. No person was to be allowed to vote at any election in the State who had "ever given aid, comfort, countenance, or support to any persons engaged in" hostilities to the United States, or had ever "*by word or deed* manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion." In the vote on the ratification of the constitution itself these provisions were by anticipation to apply; but even so, its adoption was procured by a majority of less than 2,000 votes.[1]

With the adoption of this constitution Missouri's political history in the civil war period comes to an end. From an overwhelming majority in support of the Union in February, 1861, there had followed a dropping off of the more extreme Southern sympathizers after the assault on Camp Jackson and the violation of the Price-Harney agreement. When the question of slavery pressed to the front, division had resulted even among those who remained loyal to the Union, and so had arisen the Radical and Conservative parties. Finally,

[1] Annual Cyclopedia, 1865, under "Missouri."

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through a policy of disfranchisement, we have seen the Radical faction triumph over their opponents. "Union and slavery"—the question was truly, in Lincoln's phrase, "a perplexing compound," and one presenting many sides and many phases. But when once the Union was definitely assured by the suppression of the rebellion, and slavery was wholly and immediately abolished, political grouping in the State becomes simpler. Staunch Union and antislavery men, like Blair and Brown, found it impossible to support the policy of retaliation and disfranchisement to which their Radical colleagues were pledged. A split in the Radical, or Republican, ranks appears and grows wider. The Democrats, thereupon, adopt a policy of alliance with the Liberal Republicans, and this combination triumphs in 1870 in the election of Gratz Brown as governor and the repeal of the disfranchising clauses of the constitution of 1865. With this event the reign of Radical Republicanism definitely closes in Missouri, and there begins the reaction of triumphant Democracy.

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VI.—LORD BALTIMORE'S STRUGGLE WITH THE JESUITS, 1634-1649.

By Prof. ALFRED PEARCE DENNIS, Ph. D.,
SMITH COLLEGE.

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LORD BALTIMORE'S STRUGGLE WITH THE JESUITS, 1634-1649.

By Prof. Alfred Pearce Dennis, Ph. D., Smith College.

The early colonizers of Maryland, though sprung from a common stock, were not a homogeneous people in their sympathies and antipathies. Maryland soil, as early as the middle of the seventeenth century, had been occupied by three distinct classes of settlers. Clayborne was first in the field with his Protestant settlement on Kent Island, in Chesapeake Bay. Profit, and not piety, was the guiding influence with Clayborne; preemption, and not redemption, gave pith and purpose to his enterprise. Between these Church of England men, backed in their possession by fairly good legal claims, and the later Roman Catholic settlers at St. Mary's there was no more sympathy or community of interest than is indicated in the armed conflict that actually ensued between them. Aside from the sporadic attempts of Clayborne to vindicate his property rights by arms, he and his band have no important formative influence in the early life of the Maryland colony.

Nor was there more community of interest between the Catholic planters on the Potomac and the Puritan band that settled some fifteen years later on the banks of the Severn. Five years had not run their course before Old World animosities had burst into a flame and involved Papist and Precisian in the stern struggle of an appeal to arms. Distrust, prejudice, antipathy, doubly sealed the commission of every actor in this struggle; yet each party represented principles complemental and significant in the splendid development of civil and religious liberty in the Maryland Province. Speaking broadly, it may be said that in the early life of the colony the Roman Catholic was tolerant in religion but narrow in politics, while the Puritan was narrow in religion but in poli-

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tics liberal. Historians in retouching the glowing picture of the religious toleration of the Roman Catholic colonists have not unfrequently scouted the Puritan settlers as troublers of a well-ordered system, as Adullamites, drawing into sympathy with themselves the disaffected, the chagrined, the Ishmael brood that takes to the wilderness in explosive self-assertion rather than endure identification with a régime which is considered bad principally because it is not of their own making. It is true that the example of these Puritans in religious matters was one of exclusiveness, narrowness, and ban, and chiefly because this is true the fact should not be ignored that their influence in the early life of the province was liberalizing and wholesome on the political side.

It is the usually accepted view that Maryland was intended by the Calverts as an asylum for Roman Catholics, who were to find upon the banks of the Potomac the Plymouth of the Puritan refugees. Preliminary to an investigation of the second Lord Baltimore's struggle with a body of his coreligionists, it is worth our while to briefly reexamine the question of the purpose of the Calverts in founding the Maryland colony. In the opinion of the writer the purpose of the Calverts in founding the colony was chiefly economic and not religious. Viewed in this light, the subsequent struggle of the lord proprietor of the province with the Jesuits becomes more intelligible.

Any theory that may be accepted in explanation of purpose in the colonization of Maryland leads by natural regress of causes to the status of nonconformists in England at the beginning of the period of American colonization.

Up to the accession of the first of the Stuarts the struggle between the Crown and the Puritans scarcely widened beyond the field of wordy ecclesiastical controversy. The strife of the last of the Tudors, however, with the Catholics represented a grave political exigency, in which the perpetuity of her Government no less than Protestant establishment was at stake. Elizabeth looked upon Catholic intrigues as a challenge to royal authority and met them with a policy of coercion which increased in severity until the day of her death. Under James, the first of the Stuarts, the old policy of religious coercion was continued, but with the important distinction that Catholic and Puritan exchanged positions as objects

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of royal hostility. Precisely the causes which brought a relaxation of the penal laws against Catholics induced increased severity to the Puritans. The Puritan's abhorrence of prelacy was as strongly marked as was James's devotion to an Erastian church system. The struggle to preserve his autonomy took form in a contest with the Presbyterian clergy of Scotland before James came to the English throne. Melville, second only to Knox as a figure in Scottish ecclesiastical history, had assumed the leadership in a contest with the civil power which culminated sixty years later in open rebellion against Charles I. The democratic drift of Melville and his coreligionists had its genesis in Geneva, was nourished in Scotland, extended across the border, spanned the ocean, and is witnessed anew in the strife of settlers in the American wilderness for political equality. James, soured by Presbyterian affronts across the border, recorded his experience at a later day in his reply to Dr. Reynolds at the Hampton Court conference. "If you aim," declared he, "at a Scottish Presbytery, it agreeth as well with monarchy as God with the devil. Then Jack and Tom and Will and Dick shall meet and censure me and my council."[1] As the strength of the Puritan faction in England increased, the apparently irreconcilable parties of the opposition were drawn together for common defense. Long before Puritanism had gained absolute control in the days of the overthrow of Charles I the forces of the court, the established church, the Catholics, and the Arminians had practically joined hands against the common enemy. The hatred James bore the Puritans and his natural clemency to the Catholics were further emphasized as early as 1616, when the King entered upon negotiations for the marriage of Prince Charles to the Spanish infanta. For seven years these negotiations dragged on through the tedious mazes of royal protocols and papal dispensations. It was precisely within these years when the penal laws against the Catholics were virtually suspended, when scores of Catholic lords and knights were in the enjoyment of high public trusts, and the royal purpose pointed to a wider indulgence than had been known for half a century, that George Calvert projected his scheme of western empire. As early as 1620 he obtained a grant of

[1] Fuller, Church History, III, p. 210.

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that portion of the island of Newfoundland lying between the Bay of Bulls and Cape St. Marys. The grant erected into a province was called Avalon. Sir William Alexander, to whom the first grant of Nova Scotia was made, writes at this period:

> Master Secretary Calvert hath planted a company at Ferriland, who both for buildings and making trial of the ground hath done more than was ever performed by any in so short a time, having on hand a brood of horses, kowes, and other bestials, and by the industry of his people he is beginning to draw back yearly some benefits from thence.[1]

All the evidence goes to show that Calvert obtained his grant for purposes of exploitation. There is not a hint to confirm a theory that he was seeking to provide an asylum for persecuted Catholics in the Western World. The Avalon venture proved a bad investment. When Calvert visited his Avalon plantation in 1627, he found that the glowing picture of its natural advantages had been overdrawn. He writes a pitiful letter to King Charles asking for a grant in Virginia, with such privileges as King James had been pleased to grant him. Without waiting for a reply, he sailed for a more genial clime, reaching Virginia in the autumn of 1629. The "privileges" he sought from Charles were finally granted in a charter modeled upon the Avalon patent. In their salient features the two instruments are identical. Both were no doubt drafted by Calvert's own hand; both contain empty stock phrases about the pious purposes of the grantee, and both contain ambiguous passages regarding ecclesiastical organization that practically left the way open to toleration. If it can not be insisted with reason that the Avalon colony was planted as a retreat for Roman Catholics, no more can the common opinion be justified that the Maryland grant was obtained with like purpose, unless perhaps it can be shown that Calvert was a Protestant when he planned his Avalon colony and a Catholic when he sought his Maryland grant. And this is precisely the opinion that is entertained by a number of eminent authorities. They are convinced that George Calvert, after forming the design of planting the Avalon colony, became a convert to Catholicism and that in consequence of religious scruples he, in 1624, retired from the state secretaryship.

[1] Horace Walpole, Authors of England, p. 313.

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It is reasonably certain that George Calvert was an adherent of the Church of Rome before the Avalon charter of 1623 was granted. The public acknowledgment of his fidelity to the mother church has been commonly accepted as a cause of his withdrawal from office. It was, however, simply a mask to cover his defeat by Buckingham. The divergent aims of the two in the Spanish match negotiations and the ultimate triumph of Buckingham in his programme of opposition furnish evidence that Calvert's political career received its deathblow upon the collapse of the proposed marriage alliance.

Calvert was the only secretary employed in the Spanish negotiations. In the reaction which represented the utter defeat of his policy and the triumph of Buckingham, Calvert openly avowed his attachment to the Church of Rome and, urging religious scruples for his action, resigned his office in February, 1625.[1]

Though driven from power by Buckingham, Calvert continued to enjoy the favor of James and his son. He was created Baron of Baltimore and left free to pursue those plans, upon which his mind had been set for years, of empire beyond the sea. A decade of costly experiment closed with the grant of Maryland, "a grant the most ample and sovereign in its character that ever emanated from the English Crown."

Material interest was the moving purpose of the first Lord Baltimore's successful attempt to establish a permanent settlement in the Western World. It was the design of Lord Baltimore to assure to himself and to his successors the dignity and authority of the counts-palatine of the Middle Ages. The Maryland charter expressly confers upon the proprietary that species of local absolutism exercised from mediæval times by the bishops of Durham as counts-palatine.[2]

That the first Lord Baltimore was a man of lofty integrity is unquestioned. That he, as a zealous Catholic, was actuated chiefly by the desire of promoting the spiritual interests of his coreligionists in founding the Maryland colony is a claim which he, as an honest man, could not have made for himself

[1] Eggleston, The Beginnings of a Nation, p. 260. *Vide* copy of original from British Museum additional MSS. 27962 C, containing Salvetti's contemporary account of the considerations which led Calvert to retire from the secretaryship; also Gardiner, England under Buckingham and Charles I, Vol. I, p. 156.

[2] Eggleston, p. 236, note 12.

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in his own day, and a claim which should not be made for him in our day. Cecilius Calvert, the second Lord Baltimore, "heir to his father's plans as well as to his father's plantation," reflects as though in a mirror the religious temper and the purposes of George Calvert. The second Lord Baltimore sent over his first colonists to Maryland in 1634. Of these adventurers who seated themselves at St. Marys, near the banks of the Potomac, a very considerable number, if not a majority, were Protestants. Father Henry More writes to Rome, "by far the greater part of the colony were heretics."[1] The father provincial writes to Rome, less than seven years after the founding of the colony, "three parts of the people or four at least are heretics."[2] The numerical strength of the Protestants in Lord Baltimore's original Maryland expedition goes to uphold the position that Maryland was never intended and never became an asylum for Catholic refugees. Hands and not hearts were primarily considered in recruiting laborers for the vineyard of the Calverts in the western wilderness. The political balance of power vested in the Catholics through their intellectual and financial supremacy remained with them for fifteen years after the landing of the original settlers. Cecilius Calvert had the foresight to perceive that the colony could not be successfully planted without Protestants, but he was wise enough to understand that Protestants would not embark upon the enterprise unless religious freedom should be guaranteed by the Catholic proprietary, and that Protestant England with a Parliament of puritan temper would not for an instant tolerate the erection of a distinctly Roman Catholic government within the bounds of her territorial jurisdiction. Toleration of Protestants was all of a piece with the opportunist policy of the proprietary. That George Calvert had actually arranged with the Jesuit fathers for planting, in Maryland, a colony where his coreligionists would enjoy all the privileges of a Catholic country is a matter of record. Certainly the Society of Jesus expected this, and jurisdiction was not settled before 1638.[3]

[1] Records English Province S. J. v. 3, series 7, p. 364.

[2] Paper headed "*casea*." Vol. IV, Stoneyhurst MSS. Copy held at Woodstock College, Woodstock, Md.

[3] Letter of Father Copley to Lord Baltimore, No. 2, Calvert Papers I, and other letters in same collection sent from Maryland to Lord Baltimore in 1683, protesting bitterly against the laws that subordinated the spiritual to the temporal authority. The tone of the letters indicates that spirituals had been led to expect greater privileges in the colony.

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Less than five years after the planting of the colony Baltimore was forced into a struggle with the Jesuits by the discovery that they had already secretly acquired Indian lands within the territory defined by his patent. Their persistence in disputing his "authority and dominion" aroused him to coercive measures as early as 1638 and led him to embody an act for toleration in a code of sixteen laws sent over by him in 1648 for passage. In the meantime toleration had been, for politic reasons, the unvaried habit of the community for fifteen years. The toleration act sent over with the sixteen laws is to be regarded as one factor of a triple scheme for curbing the power of the Jesuits. It was the intention of the proprietary to swamp Jesuit influence by opening wider the door to Protestant immigration. He went further, setting up a Protestant administration under William Stone, of Virginia, and finally the society's hopes of spiritual independence, founded upon material sufficiency, were crushed by forcing to a passage stringent laws which absolutely forbade the acquisition or ownership of Maryland lands by trusts, societies, or corporations without the express consent of the proprietary. The entire scheme, which was not accepted by the people until April, 1650, embraced as perfected the body of the sixteen laws, the restrictive conditions against the acquisition of land by the Jesuits, and such special favorable conditions to Protestant settlers as would assure their preponderance in the colony. Here we have some guiding principles that enter into the apparently enigmatical dealings of the second Lord Baltimore with his Catholic settlers in Maryland. Baltimore's course in the encouragement of Protestant propagandism and in the setting up of a Protestant government becomes at once consistent and explicable; the passage of coercive laws in part by Catholics against their spiritual brethren no longer baffles all attempts at rational analysis.

The records show that the Society of Jesus directly and indirectly brought into the colony during the first five years of its existence some sixty persons.[1] The Jesuit fathers evidently expected more liberal treatment than they found. The earliest records extant in the Maryland archives date from 1637–38,

[1] Calvert Papers, I, pp. 164-5, 167-8, 203, 205. Assembly Proceedings, I, Maryland Archives, Calendar, p. xiii. Also Fr. Copley in Calvert Papers, I, p. 167. Father More's Twenty Cases. Md. Hist. Soc. Fund Pub., No. 18, pp. 73, 79.

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the records for the antecedent period of four years are almost altogether missing, but the amazed protests and the deprecatory tone of the Spirituals as recorded in the letters of 1638 in the Calvert Papers go to show that the society expected, and were ready to contend for privileges which had been withdrawn from the mother church by constitutions and statutes dating from the settlement of Clarendon (1164) to the dissolution of the monasteries (1540.)[1]

The old drama of Beket and the Plantagenet Prince was reenacted on Maryland soil. The duel once more was preparing of the men of letters and of the keys against the men of laws and of the sword. As early as 1638 penalties were denounced against the acceptance of Indian lands for the use of any other than the lord proprietor, and the "Romish" clergy were also spiritually quarantined by the erection of the fourteenth century barriers of præmunire. Not only was præmunire reenacted in the western world, but a score of years of colonization had not elapsed before the English statutes of mortmain dating from the age of Edward I to that of Henry VIII were incorporated as a part of the fundamental laws of the Maryland Province. Special stress was laid by the lord proprietor on the clauses against "uses" or secret trusts, the doctrine of uses being an "invention of ecclesiastical ingenuity to creep out of the prohibition of mortmain."[2]

The earliest code of the province which has been preserved, that of 1637-38, has to do principally with subordinating the spiritual to the temporal authority. While in England both sides were arming for a struggle in which autocracy and feudalism were mortally stricken; while Europe was convulsed with the agonies of a contest that ended, a decade later, in the formal acknowledgment of two new republics, Baltimore, in the Western World, was busily engaged in establishing an absolutism based upon feudal privilege. He intended that his jurisdiction should reflect precisely the position of absolute proprietorship set forth in his patent. He looked upon papal interference as a challenge to his vested rights and persisted in ignoring or defying all threats of ecclesiastical coercion to

[1] Letters from Fathers White and Copley in Calvert Papers, I.

[2] For the laws defining further the relation of the spiritual to the temporal authority in the colony, *vide*. Maryland Archives, Assembly Proceedings, I, pp. 248, 264. Council Proceedings, I, pp. 196, 227, 237. Calvert Papers, I, pp. 164, 192, 213, 219. Md. Hist. Soc. Fund Pub., Nos. 7 and 18.

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the day of his death. It was the purpose of Baltimore to introduce a feudal system whose burdens, heavier than England had known since Magna Charta, included both knight service and aids in money. It was through no lack of purpose on the part of the proprietary that outworn feudalism languished upon the soil of the new world. The plans of Baltimore contemplated the division of the province into baronies and manors. Under this system the lord of a manor must pledge the maintenance of twenty men to secure the property and pay 20 shillings annually on every 1,000 acres of land acquired. It was not enough for the manorial lord to equip for battle and maintain in the field 15 freemen; he must also recognize the authority of the muster master and accept unquestioningly all the fines, forfeitures, and punishments this functionary might impose.[1] In 1638 the Jesuits held at least one manor. The superior of the mission and two other fathers were twice summoned to the provincial assembly that passed the anti-ecclesiastical laws, but twice declined to appear.[2] In this they followed an English precedent set in 1295—the clergy at that time perceiving that their presence in Parliament, only sought for the purpose of gaining their assent to taxation, placed many difficulties in the way of attendance, and finally withdrew to convocation. The clergy of Maryland, while relieved from knight service under the feudal laws, appear to have borne some share of the burden of taxation despite the personal appeal of the superior in 1638 to the proprietary for relief from both taxes and service.[3] But this was not all. Causes matrimonial and testamentary were from the early months of 1638 under civil and not spiritual control, if only through Secretary Lewger's commission from Baltimore. This state of affairs did not obtain in contemporary England and was regarded as an unprecedented step.

[1] Father Copley's letter of 1638 to Lord Baltimore reviews the onerous features of the manorial system; expresses the opinion that few will tarry in the country if the institution referred to be permently established.—Calvert Papers, I.

[2] Father Copley writes to Lord Baltimore: "It was not fitt that we should be there (meaning the provincial assembly) in person and our Proxis would not be *admitted in that manner as we could* send them and therefore we were excluded thence; soe we did not intermeddle with them." He goes on to add, apparently smarting under the obnoxious anti-ecclesiastical laws passed a few months before: "You may be confident that John Lewger's lack of confidence in us is of the nature of 'mere frivolous suspitions of his owne, without any true ground.'" "Truly," he adds, "the devill is very busy here to raise such lyke apprehensions."—Calvert Papers, I, p. 158.

[3] Calvert Papers, I, pp. 157–166.

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Small wonder, then, that Father Copley predicts the ruin of the province, and with a show of reason complains of the arbitrary character of a government under which an indefinite exercise of authority without lawful commission from the lord proprietor is placed in the category of an "enormous crime."[1] "Things have come to a dreadful pass," protests the pious father, "when even by Catholiques a law is provided to hange any Catholique bishop that should come hither, and also every priest, if the exercise of his functions be interpreted jurisdiction or authority." To rationally explain the passage of laws obnoxious to Catholics by a legislature under Catholic control requires a brief examination of the ingenious use of the proxy by the men who sat in the councils of early Maryland. By skillful manipulation of the proxy, political control, originally vested in the Catholics, remained in their hands several years after the Protestants had certainly gained a numerical preponderance in the colony. More than this, the most powerful proxy rights had been absorbed by the agents of the proprietary. Hence the frequent passage of legislative acts that were repugnant to a majority of the population, Catholic as well as Protestant.

The proxy power was greatly abused in the Maryland Province as early as 1637–38. In 1642 fourteen persons, through ingenious manipulation of proxies, cast the vote for all the freemen of the colony. Elaborate attempts have been made to prove that as the Protestants were in the majority in the first colonizing expedition, their preponderance continued after the planting of the colony, and that to this fact was due the passage of laws repugnant to the Catholic interest. Now, though it be a fact that the Protestants were numerically stronger than the Catholics in the original expedition, and though this predominance in numbers never at any time declined during the life of the colony, this fact does not prove for a moment that the anti-Catholic laws of 1637–38, of October, 1640, and of September, 1642, owe their origin and passage to Protestant majorities. Far from it. The political as well as social control of the colony was lodged with the Catholics for fully fifteen years after the landing of the pioneer settlers. That the Protestants had sufficient political influ-

[1] An offense denominated "enormous" was punishable by death under the laws of 1637-38.

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ence to pass a single law before the middle of the century without the aid of Catholics is not susceptible of proof from an ingenuous use of the records. The Protestants who joined the first expedition were plain men of the field and forge. They belonged chiefly to the class of redemptioners and indentured servants. The artisans and skilled laborers received lands in three years, and were eligible to sit in the assembly of 1637–38. Unskilled laborers bound to service did not become freeholders in time to sit in this assembly, and there can be no doubt that its personnel was overwhelmingly Catholic. But even should we grant for a moment that a majority of Protestants ever sat in a provincial assembly during the first decade of the colony's history, Protestant control would not be a necessary sequence of such an assumption. The shrewd manipulation of proxies, possessed by the Catholics, renders idle and inconclusive any comparison of political influence based upon mere numbers. Father More's statement is often quoted to show that political power and control had passed to the Protestants by 1640 or 1641. Father More writes that at this time Secretary Lewger called an assembly composed almost entirely of heretics. This assembly, however, of 1640–41, "composed with a few exceptions of heretics," was not a general assembly of the freemen, but a body made up of elected burgesses and of councillors summoned by special writ. Of the active members in the assembly, Brent, Greene, Lewger, Lusthead, Pulton, and Fenwick were Catholics and men of influence.[1]

Laws obnoxious to the Jesuits were passed in 1637–38 by Catholics through means of the proxy, thirteen men controlling the entire vote of the province. In the assembly of 1640 the laws inimical to the Jesuit Society would have been repealed but for the opposition of such good Catholics as Giles Brent, Gerard, and Greene.[2] Leonard Calvert, who failed to share his brother's suspicions of the Jesuits, and his secretary, John

[1] Assembly Proceedings, I, pp. 10–12, 94, 95. See also Fr. Copley's letters, Calvert Papers, I, and Fr. More's Memorial, Md. Hist. Socy. Fund Pub. No. 1.

[2] Brent throughout was a Catholic, and allied with the opposition. He cast the entire vote of the island and county of Kent in the assembly of 1642. Gerard was a Catholic, whose wife was a Protestant, and whose brothers-in-law are said to have conducted Protestant services in a chapel dedicated to the Anglican service. Gerard was in later times fined 500 pounds of tobacco for secreting the key and carrying away the books of said chapel. Greene's religion was of the prudential sort, but he died a Catholic, leaving a bequest to that church.

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Lewger, more than once stood alone against all the rest; Leonard Calvert undoubtedly favored the society in derogation of his brother's wishes, but was finally forced into conformity by a scathing letter from Baltimore's pen directing him, at all hazards, to humble the society or else be chargeable of betraying the proprietary to the "greatest dishonor and prejudice that ever one brother did another." He strictly enjoins Governor Calvert to pass no more grants of land to the Jesuits under any pretense whatsoever.[1]

In the assembly of 1642 twenty-two persons are named; but again and again the whole vote was controlled and cast by fourteen persons.[2] Of these fourteen persons in turn two members often controlled the entire vote. These two men were Brent and Cornwallis. Their combined strength summed up as high as one hundred and twenty out of a total of one hundred and ninety-one voices actually represented. They united in this session to oppose the administration, and straightway the administration concerted measures to break up this powerful coalition. Three days after adjournment of the session Cornwallis was tendered the councillor's oath, and of course refused it, and within a month Brent was impeached by Lewger, attorney-general for the lord proprietor. And here began the strife and jealousies that lasted through the Chapel-house litigation and even far beyond the "Ingle rebellion." In the troubles of 1647–48 Brent was again considered the factious spirit by Lord Baltimore.[3] Cornwallis's religion is a question of controversy. It is by no means clear that he was a Protestant, and it is reasonably certain that he was the friend, champion, and attorney of the Society of Jesus in the province. If further evidence were needed on the point of Catholic control, additional testimony, up to the date in which it was written, is furnished by Father Copley's letter of April 3, 1638.[4] It plainly shows that the attitude of the society was one of defiance. Threats of excommunication are repeated, and he bitterly complains of Secretary Lewger's unrestrained manipulation of the proxy. John Lewger throughout is

[1] Calvert Papers, I, p. 219, 220.

[2] In regard to this point in particular and others in general the writer gratefully acknowledges the assistance of his friend, John M. Mackall, esq., whose familiarity with the early Maryland records renders his conclusions most valuable and of decisive weight upon certain important moot questions in the period under consideration.

[3] Council Proceedings, I, 126. Also, Assembly Proceedings, I, 214, 215, 220.

[4] Calvert Papers, I, 157, 169.

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blamed by the Jesuits for a policy approved and carried out by the proprietary. He was a convert from Protestantism, and had been commissioned by Lord Baltimore secretary of the province in April, 1637.[1]

From the date of the first recorded public proceedings of the Maryland Colony to the critical period of 1649–50 the land question was paramount. The possession of great tracts of land by the society and their eagerness to secure further acquisitions might have aroused a man less jealous of vested interests than was Lord Baltimore. But beyond this a broader question was mooting, which, had it been settled within lines of the society's programme, would have shorn the proprietary of every vestige of territorial sovereignty. The still currents of political life, but slightly ruffled by Old World conflicts between the ecclesiastical and civil powers, grew more tempestuous in Maryland as the result of contentions over property rights. Finally the more moderate designs of the Jesuits were eclipsed by struggles of broader and more vital character, and the government of the Calverts was shaken at its base. The society disputed Baltimore's title to any lands within the province not ceded to him by the Indians. They questioned, again and again, the right of the English Crown to grant Indian lands, and distinctly and derisively denied the validity of his Lordship's claims as against the Indian "kings." The very title bestowed upon the patentee by the charter was derisively referred to as an assumption. The fathers profess themselves ready to shed their blood in defense of the faith and the liberty of the church. It may be noticed throughout that defense of property rights is the real point at issue when defense of the church is proclaimed.[2]

Baltimore was not blind to the forces that rendered the opposition cohesive. He was not slow to appreciate the gravity

[1] Copley notes that "others complained very much that by the many proxies which the governor, Mr. Lewger, and there instruments had gotten, they did what they would without any restraints at all." He referred to Lewger's evident distrust of the society and assures Baltimore that these adverse views are "mere frivolous suspitions of his owne, without any true ground." "Truly," he sagely adds, "the divill is very busie here to raise such lyke apprehensions." Father More, in his Memorial to Propaganda, 1641–42, charges Lewger with retaining much of the leaven of heresy, since he maintained the dogma so offensive to Catholic ears, that no external jurisdiction is given by God to the supreme pontiff, but merely an internal one. "In foro conscientiae."—From the record of the English Provinces of the Society of Jesus. Vol. VII, p. 363.

[2] Father More's Memorial to Propaganda, 1641–42, pp. 79, 83, Johnson's Foundation; the author quoting from the Jesuit Archives. Also Father Copley's letter of 1638 in Calvert Papers, I.

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of the challenge. He looked upon the society as a possible bar to the ultimate success of the dearest design of his life. He regarded the acquisition of land by them as repugnant to his chartered rights. He looked upon their assumption of spiritual independence as a challenge to authority, more sovereign in the plenitude of its powers than that of half the contemporary German princedoms. His fears of the society gave him no rest. He found no mental equipoise in a compromise that would yield any material advantage to his coreligionists. He rejects all overtures from the fathers for exceptional privileges, and tacitly repudiates any former intimation that the colony is to be governed after the manner of a Catholic state. He is dumb to the society's plea for exemption from the jurisdiction of lay courts, and refuses throughout to lend a complacent ear to the archaic dogma of "benefit of clergy." It was as early as 1638 that he indorses Copley's letter, suggesting immunities and exemptions for Catholics, as "containing demands of very extravagant privileges." From this time on he met the independent and combative attitude of the society in a spirited and aggressive campaign, which was none the less active and determined because its policy was veiled and its methods underground. Late in the year 1641 he issued new conditions of plantation. These conditions contained secret clauses, omitted in the public records but preserved intact in the Jesuit Archives. These secret provisions established in the Maryland province the English Statutes of Mortmain. In addition an oath was exacted of all Maryland landholders under terms of which the grantee solemnly foreswore all rights in lands granted by the Indians and pledged himself to defend, to the limits of his power, the title, right, and royal jurisdiction of the proprietary.[1]

In November, 1642, the proprietary penned a letter to his brother, his vicegerent in the Maryland province. In this letter he betrays his apprehensions and also outlines his programme for future dealing with the society. He speaks of the Jesuits as a "body politic," and declares that a great deal of land has been received by Father White from one of the Indian "kings." The ship which took this letter bore also to Maryland Messrs. Gilmett and Territt. These men, bearing

[1] Maryland Archives, Council Proceedings, I, pp. 99, 101. Extracts from Jesuit Archives in Johnson's Foundation, pp. 67-69.

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confidential dispatches to Governor Calvert, are to acquaint him with the "injury" which the Jesuits have offered the proprietary. * * *

The next assembly, in which proceedings of importance are recorded, was held in 1647–48. The tide of opposition now fiercely swollen leaves its marks upon the record of this assembly's proceedings. They were anomalous, irregular, and informed with a spirit of defiance which the language of authority could easily denominate "seditious." While Baltimore was revolving at home the question of fortifying his authority more strongly in Maryland, the settlers on the banks of the Potomac were busying themselves in proclaiming defiance to that authority. A bill for the confirmation of his lordship's patent was "thrown out of the house" as an initial act. A bill for the acknowledgment of his right and another for the support of the proprietorial government were quickly stifled, and a formal protest entered against Leonard Calvert's laws of 1646–47. It was claimed that these laws were void because passed by a house extra-legally, if not illegally, summoned by the governor. The assembly drew up and sent to the proprietary a list of grievances which reflected in a small way the temper of the "grand remonstrance" passed five years before in England by the long Parliament. As a final stroke, they passed a bill appropriating the personal estates of the two Calverts in settlement of debts incurred in the suppression of the unexplained rebellion of 1645–47. How the action of this assembly was received and answered in Maryland is a matter of record; how Baltimore himself met the challenge has been heretofore only a matter of conjecture. Governor Thomas Greene at once challenged the right of the assembly to enter protest against the "pretended laws" of Leonard Calvert.[1] But that this action was dictated by anything more than the perfunctory conscience of officialism is clear enough from the fact that Greene offered to sign the protest himself if the assembly would vote him a house and income. Information of the supineness, not to say duplicity, of his governor came to Baltimore's ears, for Greene, in 1650, was summarily dismissed from the office of councilor, Stone being then governor.

[1] Greene succeeded to the governorship upon the death of Leonard Calvert.

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The recovery of the missing portion of this letter, written to his lieutenants in Maryland by Lord Baltimore upon receiving news of the assembly's recalcitrancy, clears up many obscurities that have long perplexed the student of early Maryland history.[1] The important facts in the missing portion of the letter which bear upon this investigation have to do with Baltimore's charge that the factious and rebellious spirit of the assembly of 1647–48 proceeded from the "Deceiptfull Suggestions of Subtle Matchiavilians pretending religion." * * *

Even more interesting is Baltimore's remarkable letter in the light it throws upon the body of laws sent over by the proprietary in the preceding year. His lordship ingeniously asserts that these laws, sixteen in number, had been proposed to him for the "good and quiet settlement" of the colonizers of the province. The declaration was specious. The laws in question were drawn up by Baltimore, probably at the suggestion of Lewger, that they could be employed as an effective weapon of offense and defense against the Jesuits. His lordship instructs the provincial assembly that all or else none of the laws must be passed; that no alteration, addition, or diminution of the laws would be tolerated, and finally he held over their heads the forceful threat that the monopolies, customs duties, and burdensome conditions of plantation under which the colonists chafed should be continued in operation until the sixteen laws were passed.[2] He upbraids the assembly for their delay in assenting to the "said laws sent out by us." He charged them with having secret reasons for not bringing the code to a passage, and plainly insinuates that the Jesuits are acting the part of obstructionists. He presumes the assembly will make no further scruple "of consenting to all of the said laws, and in case the said sixteen laws above mentioned shall be consented unto by the general assembly and enacted as laws there within the time limited as aforesaid, then and not otherwise we shall be willing for the

[1] For Baltimore's reply to action of assembly, 1647–48, see Maryland archives, Assembly Proceedings, I, pp. 262–272. Four-fifths of this important letter, beginning in the seventh line of the printed archives, p. 264, Assembly Proceedings, was missing for more than two centuries, or until 1883. For partial explanation see Calendar XXVI, XXVII, XXVIII (Assembly Proceedings, I), Liber M. C. Bozman—authority. Also Upper House Journal, 1659–60, 1669. Same lettered properly 1649–1669 in printed archives of 1883.

[2] Maryland Archives, Council Proceedings, I, pp. 201, 228.

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ease of the people there to allow the one-half yearly of the tobacco customs due unto us to go to the common defense of the province."[1] Now, as certain of the sixteen laws were indispensable to the political well-being of the colony, and as the security of the same depended upon the acceptance of those less favored, and since the obnoxious laws under which they groaned could only be repealed upon condition of the acceptance of a new code entire, the provincial legislature found itself forced into reluctant assent. Thus with the whip of authority in his hand, Baltimore dragooned the provincial legislature into the interesting legislation of 1649–50.

The act of toleration, which gives the year 1649 extraordinary distinction in Maryland annals, was neither the act of Protestants nor of Catholics, as partisan controversial writers, on the one side or the other, have sought to prove. The act was one of the sixteen laws, and was hurried through the provincial assembly under the lash of the proprietorial whip. In the same year Baltimore's code was sent over, new conditions of plantation were issued, and a Protestant government deliberately established by his Catholic lordship. These measures were parts of a triple scheme to defeat the Jesuits and abase the opposition. The body of the sixteen laws denounced penalties to the death against mutinous and seditious speeches; more than this, the English laws of mortmain were again brought forward, and, as if to rid himself forever of his factious coreligionists, he proposed to swamp their influence by encouraging Protestant immigration, and by setting up a Protestant government pledged by statute to guarantee religious toleration. The body of the sixteen laws, then, is but a part of the triple scheme, restrictive conditions in regard to landholding being another, and especially favorable conditions to Protestant settlers in point of a Protestant government and toleration bulwarked by statute being the third. In the matter of encouraging Protestants, Baltimore overshot the mark. In five years he found himself confronted by a party of Protestants stronger and more determined in their opposition than had ever been the Jesuits. Catholics were disfranchised in the colony they had planted, nor did the movement, essentially democratic, stay until it had demanded the downfall of the proprietorial government.

[1] Ibid, Assembly Proceedings, I, pp. 264, 265, 270.

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As early as 1631 the government in the Virginia colony became openly intolerant. Under the hand of Berkeley, the Church-of-England governor, distress fell upon the Puritan settlers on the Nansemond River. Under fire of persecution, two Puritan elders fled to Maryland in 1648. It was probably at their suggestion that Governor Stone issued an invitation to the entire Nansemond congregation to cross over into Maryland. Stone's liberal promises of local self-government and freedom of conscience stimulated the Puritan exodus from Virginia, and caused the refugees to indulge the dream of an independent colony in the new land of promise. They haggled at the words "absolute dominion," and demurred at the obedience due Roman Catholic officers. For a year these refugees remained outside the pale of Lord Baltimore's government, in the full determination to erect upon the shores of the Chesapeake a "civitas Dei"—a church state, to which they gave the reverential name of "Providence." In 1651, in recalcitrant mood, they refused to send delegates to the provincial assembly, and protested against the governor's hostile advance upon the Indians of the Eastern Shore. Stone regarded these acts as rebellious, and required of them an oath of fidelity, on penalty of forfeiture of lands. The Puritans protested against the oath as repugnant to their consciences as Christians, and contrary to their rights as free subjects of England. They denounced the authority of the lord proprietor, for, said they, he is liable to "make null that done in the assemblies for the good of the people." On notice by Stone that writs and warrants should no longer run in the name of the Commonwealth, but in that of the lord proprietor, the Puritans prepared for war. For a time the resort to arms was postponed, but one of the first acts of the ensuing legislative assembly was the disfranchisement of Catholics. This act, though never rigidly enforced, has left a stain upon the records of the colony. Both sides were now arming for a greater contest. As the first score of years was rounded out after the settlement at St. Mary's, the drama of Marston Moor was reenacted upon Maryland soil. Questions were mooting far wider than the sphere of religious controversy. The principles of self-government and civil equality were at stake. * * * The defeat of the loyalists of St. Mary's

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was the vindication of the democratic principle in Maryland. Within a generation after the battle of the Severn the Puritan settlement as a political aggregate had become a memory. Yet the last word of his movement had not been spoken. * * * In 1694 the theater of the Puritan struggle received the name of Annapolis and was formally advanced to the political headship of the province.

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VII.—AMERICAN ECCLESIOLOGY.

By GEORGE JAMES BAYLES, Ph. D.

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AMERICAN ECCLESIOLOGY.

By GEORGE JAMES BAYLES, Ph. D.

It is my object in this paper to consider, briefly, from the standpoint of history, some of the leading factors with which the science of American ecclesiology has to deal. Now, ecclesiology, to give the word its proper significance, may be defined as the department of the general science of sociology that deals with those of the human relations that are sustained for the purposes of religion; and, like the other departments of the science of society, ecclesiology draws its conclusions from data which must in the very nature of things be largely historical. The data needed in the development of an ecclesiology of the American people is one of the neglected fields of historical research. Any systematic treatment of the ecclesiastical history of the American people from the standpoint of sociology does not exist. Even the satisfactory writers of denominational history are very few in number, while the historian of the ecclesiastical elements in the history of our people who is able to get away from his denominational self has not yet appeared. If we pass from the professional students and writers of history to the rank and file of the American people, the indifference to ecclesiastical history is seen to be profound. Someone has remarked that for the average American of the present time there seems to be no such thing as church history between the Acts of the Apostles and the acts of his grandfather, and in point of fact there is almost as much truth as humor in the saying.

Now, our analysis of matters ecclesiastical must needs start from those things which are the most general and obvious, and there are four species of ecclesiastical phenomena seen upon the surface of American society that are so general as to be fundamental.

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In the first place there is limited individual action for the purposes of religion.

In the second place there is a limited amount of cooperation and organization for the purposes of religion.

In the third place there is a limited use of artificial legal personalities, civil incorporations, for the purposes of religion.

And in the fourth place there is a limited application of the prevailing systems of legal and equitable rights and obligations to both natural and artificial persons for the purposes of religion.

A study of the first species of phenomena, that of limited individual action for the purposes of religion, leads directly to a search for the historical development of the concept in political philosophy of a sphere of individual liberty of action that included action for the purposes of religion. The study of the second phenomena, that of cooperation and organization, brings us in history face to face with the vast and intricate development of denominational growth, a development that has resulted in covering the country with an ecclesiastical jungle in which thrive or languish some 145 known and catalogued species of organization.

The study of the third and fourth species of phenomena, that is, the use of civil incorporation and the applications of our legal system for religious purposes brings us to the historical study of the body of American civil church law, a body of law that constitutes a unique development in the history of jurisprudence, and one that is destined to receive a wide application in the expansion of American domain.

Now, briefly, as to the sphere of individual action for religious purposes. The time was, coincident with the era of American colonial establishment, that it was almost universally regarded as a function of civil government to see to it that all subjects, in theory at least, sustained some definite ecclesiastical relation; and the aggregate of those relations that had the sanction of the civil power constituted an ecclesiastical establishment. American political philosophy, as it has developed during the past one hundred and twenty-five years, has preserved the concept that the civil power is charged with a duty in respect to the religious affairs of the people, and to-day regards it as a function of civil government to make it legally possible as well as socially convenient for all the people to sus-

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tain voluntary ecclesiastical relations. The difference between the former and the latter concept has been caused by a development of the sphere of individual liberty of action so as to include all action for the purposes of religion. All through our colonial history this concept of an enlarged sphere of individual action has been gaining adherents, and the era of political revolution brought the opportunity for its legal expression. One of these early expressions is to be found in the preamble to an act of the assembly of Virginia of the year 1785, which recites:

> That to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession of propagation of principles is a dangerous fallacy which at once destroys all religious liberty.
>
> That it is time enough for the rightful purposes of civil government for its officials to interfere when principles break out into overt acts against peace and good order.

At the present time ecclesiastical relations, of whatever nature, are nearly all voluntary. They must be legal and socially convenient, but the demand upon the civil power to realize these conditions is as great as it ever was upon a sovereign to protect an ecclesiastical establishment. The ecclesiastical function of the several American governments is now guaranteed by a public opinion that has been gaining strength with four generations and has become bedrock for our political constructions. It is because of this inherited public opinion that the exercise of this function by our civil powers is scarcely seen upon the surface of society, and its existence is rather assumed than felt.

The second class of ecclesiastical phenomena, namely, that of association and organization for the purposes of religion, while truly to be regarded as elemental, is, nevertheless, from the standpoint of sociology, a result of individual action. Obviously it is impossible at this time to trace in detail the development of denominational organization, which has revealed the infinite possibilities of differentiation, and which has passed beyond all the reasonable limitations of liberty and has wandered far into the outer space of license. It is possible, however, to make some tentative assertions of a general character.

In the first place, there is evidence to the effect that more religious denominations have passed out of existence than do

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now exist within the confines of the United States. The era of ecclesiastical differentiation seems to be closing, and the era of absorption, consolidation, and concentration seems to be opening. The concept of ecclesiastical alienation and isolation is certainly weakening, while the two concepts of ecclesiastical adaptation to social environment and of historical continuity are certainly growing stronger.

In the second place, from a survey of history we note the enormous development of what we may style auxiliary organization; organization that has grown up around the original spiritual bodies—the churches. This growth denotes the strong movement that is so manifest in our economic institutions, the movement for the differentiation of functions, in other words for greater and greater specialization. Apparrently all the virtues from temperance upward are being specially emphasized and propagated by means of auxiliary association, and organization by means of a vast assortment of united societies, leagues, unions, and brotherhoods, etc., all drawing their inspiration from the churches and bringing forth an amount of assembly, conference, and convention that is making American religious life as crowded as our business life. This is a comparatively recent growth, and is in remarkable coincidence with our railway and newspaper developments. We still appear to be on the flood tide of auxiliary organization, and the end is not in sight.

One other general observation in this matter, we are witnessing the coming into being of new forms of association for the purposes of religion, that are not so much auxiliary as they are evolutionary. I refer to the recent developments in many parts of the country to the federation of churches and to the practical operation of the cooperative parish idea. The working out of the concept of federation is bringing into existence new pieces of social machinery distinctively ecclesiastical, which I believe are destined to have a profound influence upon the structure and functions of our ecclesiastical organizations.

To properly approach the historical consideration of the third and fourth species of ecclesiastical phenomena, namely, civil incorporation for the purposes of religion and the application of our principles of law to ecclesiastical persons and organizations, it is necessary to pass from general to local

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organization and to find the constituent elements of a local religious aggregation, we usually find, first, a congregation, a temporary body of periodic sessions. The ecclesiological history of such a body is bound up in the history of the development of the sphere of liberty of individual action that includes action for the purposes of religion. The right of peaceable assembly is a common-law right which, however, is specifically recognized in all of our systems of constitutional and statute law.

In the second place, behind the temporary body known as the congregation, we find the permanent spiritual body—the church, composed of a body of church members in full communion or possessing in the largest measure the privileges of church membership. Concerning this element I have no time here to speak, except to call attention to the fact that it is this local element alone that is the unit in all the larger forms of denominational association.

I wish to call attention more specifically to the historical development of the two remaining elements that are often found in a local body, namely, religious society and the corporation.

As to the religious society, what is it and where did it come from? In the first place, I believe that this factor, so common in our local church organizations of the present time, is entirely a creature of the civil or municipal law, and that it is foreign to normal ecclesiastical polity, and that it has come to be recognized by the churches after its existence has been repeatedly insisted upon by the civil courts. My belief is that the religious society as an ecclesiastical factor distinct from the church body had its origin—that is to say, was first specifically recognized by the civil courts—during the later ecclesiastical establishment in the Commonwealths of New England, and more probably in Massachusetts.

Under the colony charter of that Commonwealth no man could be a freeman unless he was a church member, and this condition prevailed until the year 1662, so that during this era a majority of the church members constituted a majority of the legal voters of a town. The towns exercised parochial powers, most of the people of the Commonwealth being of one religious persuasion. The numerous laws which were passed by the colonial and provincial legislature in relation to church

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organizations were predicated upon a supposed connection with some body politic. In the year 1800 a decisive expression was given in an act which provided for the public worship of God, and for other purposes, the first section reading:

> That the respective churches connected and associated in public worship with the several towns, parishes, precincts, districts, and other bodies politic being religious societies, shall at all times have, use, exercise, and enjoy all their accustomed privileges and liberties respecting divine worship, church order, and discipline not repugnant to the constitution.

While originally the towns exercised parochial powers, yet when differences of opinion sprang up it became necessary to separate the parochial from the municipal business, and the parishes came to form separate organizations. Other bodies, known to the law as religious societies, were incorporated by special acts of the general court, and out of this process of evolution there finally resulted a genial statute in the act of 1811, which recognized both incorporated and unincorporated religious societies, authorizing them to exercise parochial powers. What was done in Massachusetts was this: A body known as a religious society, distinct from the body of a local church and distinct also from a local corporation for religious purposes, was brought into recognition, and this was done by the civil power. The churches came to recognize such a factor, although it was not called for by the polity of any of the denominational systems.

The fourth factor in a local religious organization—that is, a civil incorporation, a legal personality distinct from an aggregation of persons found in a congregation or a religious society or a church body—has a more tangible history, and also has a future of prime importance.

At the formation of the Federal Government religious liberty was secured to the people of the several States as far as the action of Congress was concerned by the provisions of the Constitution, Article IV, chapter 3, and by the first amendment. Both of these provisions, however, were limitations upon the powers of Congress only.

Neither the original Constitution nor any of the early amendments undertook to protect the religious liberty of the people against the action of their respective State governments. The local peculiarities in the ecclesiastical institutions of the people of the several States and sections of the

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country continued heretofore without interruption. But the development in political consciousness was doing its work. That the sphere of individual liberty of action should include all reasonable action for the purposes of religion was a concept held by constitution and statute makers of the last Revolutionary period. That there should be no ecclesiastical establishment was not, however, simply a conclusion in political science. It was also a real necessity for purposes of political cohesion and party politics. The several colonial legislatures had granted a few charters of incorporation to local churches, and the practice was continued for a few years. It was, however, early abandoned because of the objection set forth by the political minorities and indorsed by the people, and not without truth, that such particular charters of incorporation constituted special legislation, secured by political influence.

At this period the churches were beginning to revive from the exhaustion caused by the war, and were becoming the actual and potential possessors of real property. Legal means for securing property to pious and charitable uses were sorely needed. Hence a demand arose in a number of the States for a uniform procedure by which the local organizations of all denominations could assume the corporate form. To meet this demand legislation was enacted that characterized a second stage in the development of this corporation for religious purposes, which may be designated as the era of the general statute.

The first general statutes that could serve the churches of all denominations were passed by the legislature of the State of New York, April 8, 1784. This act authorized all local religious bodies to appoint trustees, who should constitute bodies corporate for the purpose of caring for the temporalities of the churches. The preamble of this statute recited that, under the colonial régime, many of the churches, congregations, and religious societies in the State had been put to great difficulties to support the public worship of God, by reason of the illiberal and partial distribution of charters of incorporation to religious societies; that many charitable and well-disposed persons had been prevented from contributing to the support of religion by the want of proper persons authorized by law to take charge of these pious donations,

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and that many estates purchased or given for the support of religious societies were then vested in private hands, to the "great insecurity of the society and to the no less disgust of many of the good people of the State." The act of similar intent and with like provisions was passed nine years later, in 1793, by the legislature of the State of New Jersey. These two statutes became the models for similar laws in many of the Northern States.

These early statutes resulted from the necessity of providing trustees in whom might vest the title to property, and were enacted at a time of low religious activity and of bare toleration of many religious bodies by the leaders of the people in legislation. The provisions of these laws were very meager. As a rule, the trustees were to be elected annually by the members of religious bodies, and were, in fact, merely trustees holding a legal title. Except where the society itself became the incorporation, the trustees had not the powers that were given the director of other private corporations. The amount of real and personal property that might be held was everywhere placed at a low figure, in some cases not more than $2,000 in value. The limit upon the annual income to be derived from property was, as a rule, proportionally low. The powers conferred upon corporations that might come into being under these general statutes was in general very limited, and nowhere were such corporations allowed to be self-perpetuating. The prevailing policy in legislation during the first third of the present century seemed based on the idea that the civil power should treat all the religious organizations alike by doing as little as possible for any of them. Partiality to any religious bodies on the part of State legislatures was dreaded, and there was a very real fear among the lawmakers that something might be done toward recreating an ecclesiastical establishment. Danger was seen in placing the control of any accumulation of property in the hands of spiritual functionaries. Of the spirit of the time, we have evidence in dicta contained in a decision of a New York court:

> It was the intention of the legislature to place the control of the temporary affairs of these societies (religious societies) in the hands of a majority of corporators, independent of priest, bishop, presbytery or synod, or other ecclesiastical judicatory. This is the inevitable effect of the provi-

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sion giving to the majority, without regard to their religious sentiments, the right to elect trustees to fix the salary of the ministers.

This language was used with reference to the New York law of 1813 which superseded the law of 1784. The method of providing for the incorporation of religious societies by means of general statute has developed unequally in different sections of the country, and it has not yet been adopted in all the States. As late as the year 1866 the States of Rhode Island, Virginia, and South Carolina had no such statute. Thirty years later, in 1896, a general statute of incorporation was still forbidden by constitution in the States of Virginia and West Virginia. In both these States the circuit courts of the counties are authorized to appoint, for religious societies, trustees in whom may vest the title to property devoted to religious uses. In a number of States, even at the present time, there is no distinct legislation for the incorporation of churches. We find provision for "educational and religious" organizations, and for "religious, social, and benevolent" bodies; and one State, Colorado, has an interesting provision for the formation of joint-stock companies for "religious, educational, and charitable" purposes. There is, however, reason to believe that, with the increase in the numbers and material wealth of churches in the Southern States, incorporation will become more common and general statutes will be enacted specifically for the incorporation of churches.

The third stage in the development of this civil church law has been the result of specializing legislation in two directions. One of these has been mentioned above, namely, discrimination between ecclesiastical organizations proper and other social educational and philanthropic organizations. The second form of specialization, however, has produced more marked results than the first. In the States having the most highly developed legislation, the general provisions of the statutes have from time to time been supplemented with special optional provisions for corporations of particularly religious denominations.

The demand for this sort of legislation has in nearly every case come from the churches themselves. As the denominations have grown in strength and have developed a more intelligent interest in their own characteristics, many of them have tried to legalize, in a way, the essential features of their

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respective polities. Through these supplemental provisions there has been wrought into the statute law a recognition of purely ecclesiastical functionaries. It can not now be said to be the intention of the legislatures to keep the control of the temporal affairs of the churches in the hands of corporations "independent of priest, bishop, presbytery, or synod or other ecclesiastical judicatory." There is at the present time a marked legislative cordiality toward the churches. While at the beginning of the century the policy in legislation was to treat all religious interests alike, by doing as little as possible for any of them and forcing all to conform to one procedure, at the end of the century the policy seems to be to treat all interests alike by giving to each all that is asked.

Another feature of recent development is the increase in the number of statutory provisions for the creation of ecclesiastical corporations sole. This form of corporation is not used in New York, and at the present time is expressly forbidden in the States of Pennsylvania, Delaware, and Michigan. On the other hand, in the States of Massachusetts, New Jersey, and Oregon individual executive functionaries such as superintendents, presiding elders, bishops, and archbishops may be constituted corporations sole, with all the powers granted by the general acts to corporations aggregate. By these provisions a civil corporate capacity is made to attach an ecclesiastical office. Should the social environment of churches in the United States foster the development of executive forms of ecclesiastical association, it seems likely that an increasing use would be made of the ecclesiastical corporation sole.

In conclusion, the privilege that is being accorded to religious bodies of having such legislation enacted for them as best develops their respective polities, seems to be resulting in what may be defined as a legal crystallization of ecclesiastical polity. Presbyteries, conferences, synods, classes, conventions, superintendents, overseers, presiding elders, vicar-generals, bishops, and archbishops are coming to have a legal status by virtue of their ecclesiastical status, and legal powers incidental to their spiritual jurisdiction. Such features of ecclesiastical organization as secure recognition in the civil law are thereby made more rigid than the nonlegal features, and more capable of resisting the influence of social environment.

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VIII.—STUDIES IN THE COLONIAL POLICY OF ENGLAND, 1672-1680: THE PLANTATIONS, THE ROYAL AFRICAN COMPANY, AND THE SLAVE TRADE.

By EDWARD D. COLLINS, Ph. D.,
INSTRUCTOR IN HISTORY IN YALE UNIVERSITY.

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THE ECONOMIC STATUS OF THE PLANTATIONS.

The slave trade in its economic aspects was purely a case of demand and supply Arising from a land newly discovered, with unlimited capacity of productiveness, came a call from its first settlers for the sinews of labor. Out of this need, based primarily on economic causes, arose the slave trade. In its inception the English slave trade was concerned not with the Atlantic seaboard colonies, but with the West India group, called, for the purpose of this article, the plantations.

In the abstract the demands of the plantations were few; in the concrete there were manifold occasions for petition, remonstrance, complaint, charges, and countercharges. These all grew out of the violation of a demand for free trade in the broadest sense, including trade in negroes. The demand for labor was purely and simply a demand for labor, not in its origin a demand for slaves. Because this demand did not meet with an adequate response, it grew into a demand for slaves.

If the slave trade had taken the course prescribed by man, instead of that prescribed by nature, it would have been vested solely in the hands of corporate bodies created in London to control it, or, to quote a phrase in popular use, "preserve the African trade to the nation." Incidentally, of course, the company would enjoy the benefits of its monopoly. This feature of the trade does not call for special discussion here. Such companies were a product of the commercial policy of their day and form an important element in the commercial history of the sixteenth and seventeenth centuries. The

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African company was unlike the others in but one essential—it dealt in men. The African company which concerns us was chartered in 1672, by name the Royal African Company. The plan on which it was formed anticipated greater success than the repeated failures of all the previous African companies of England would have warranted; but, on the theory that the failure of the old was due, not to rules, but to the lack of them in sufficient quantity to cover every conceivable case of violation, the new concern was started off on the same lines as the old, doubly hedged in and guarded by all the necessary prescriptions. It was actually more formidable than any of its predecessors in just the ratio of its increased capitalization. This much is clear in 1672. The plantations were not to have free trade for labor. An interesting chain of consequences follows.

This chain of consequences involves some secondary causes which were sufficient to determine the course of the slave trade and ruin the Royal African Company. The failure of the West India planters to pay their debts was one of the causes of this company's downfall; and the policy for which this company stood, so far as it was operative, was one of the causes of the planter's failure to pay his debts. A brief consideration, therefore, of those circumstances in the colonial situation that explain this reaction will not be out of place.

In 1656 Antigua called for English and Scotch servants, arms, ammunition, and negroes, and two ships to be employed in transporting them.[1] Governor Kaynall wrote that the wars between England and Holland had hindered commerce, prohibition of foreign trade kept away supplies, and no servants had of late arrived from England.[2] Four or five hundred were needed.[3] Resulting from this first demand for labor, and usually joined with it, was the demand for free trade. As soon as his labor had produced a thing, the colonist wanted a chance to place it where it would bring him the greatest return. In 1661 Barbados requested free trade in its produce to ports in amity with England.[4] Two years later Lord Willoughby wrote to the King that some thousand had

[1] Colonial Papers (abbreviated hereafter as Col. Pap.), XIII, No. 1.
[2] Calendar State Papers, Colonial, America and West Indies (abbreviated as Col. Cal.), 1574–1660, p. 439.
[3] Ibid., 443.
[4] Colonial Entry Book, XI, 5.

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left Barbados and other Leeward islands to go to neighboring French and Dutch colonies, where complete freedom of trade was allowed, with liberty to men of all nations to come and dwell.[1] In 1666 he again urged the island's need of free trade. Customs would be cheerfully paid on all commodities.[2] He "begs leave to be plain with His Majesty, for he is come to where it pinches, and if Your Majesty gives not ample and speedy redress, you have not only lost St. Christopher's, but you will lose the rest. * * * Free trade is the life of all colonies, but such is the condition of the Carribbee islands that they have not clothes sufficient to hide their nakedness or food to fill their bellies. Whoever he be that advised His Majesty to restrain and tie up his colonies in point of trade is more a merchant than a good subject."[3]

In the next year Lord Willoughby again told the King that two things were necessary for the plantations; first, free trade with Scotland by which the islands were formerly supplied with brave servants and faithful subjects; second, free trade with Guinea, for lack of which poor planters left the island.[4] A few months later the representatives of Barbados petitioned the king for a supply of servants from Scotland and for one or two thousand English servants.[5] They esteemed free trade to be the best means of living that any colony could have. In December of the same year, Willoughby informed the privy council of the great lack of servants occasioned by the late war. "If labor fail here, His Majesty's customs will at home, and if the supply be not of good and sure men, the safety of the place will always be in question, for though there be no enemy abroad, the keeping the slaves in subjection must be provided for."[6] Scotch servants were wanted, the act of navigation having cut off the previous supply.[7] Two years later the Barbados merchants and planters called attention to their previous address, especially the request for laborers, and said the want of trade had brought the people under "inconceivable poverty."[8]

[1] Col. Cal., 1661-1668, No. 578.
[2] Ibid., No. 1204.
[3] Col. Pap., XX, No. 143.
[4] Col. Cal., 1661-1668, No. 1539.
[5] Col. Pap., XXII, Nos. 20, 21, 22; Col. Cal., 1661-1668, No. 1565.
[6] Col. Cal., 1661-1668, No. 1648.
[7] Col. Pap., XXII, No. 20.
[8] Ibid., No. 1816.

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In 1669 Nicholas Blake wrote that "they must be exempted from all taxes, for new settlements are like young scions and must have time to root and grow." He thus illustrated the evils of restraining trade: "There is a place much cried up of late, taken from the Dutch, now called New York, and one of its governments called New Jersey yields store of beef, pork, peas, flour, butter, and horses; and they had begun a pretty trade there with strong liquors, sugar, cotton, molasses, and ginger, but advice has come to send no more, for the governors have put some import on their goods."[1]

In 1670 Thomas Modyford affirmed from twenty-four years' experience that Barbados could never have risen to its late perfection had it not been lawful for Dutch, Hamburghers, our own whole nation, and any, to bring and sell them blacks or any other servants. Persons of any nation soever ought to be allowed to settle and naturalize. "Mankind is the principal, gold the accessory; increase the first considerably and the other must follow."[2] All prudential means should be used to encourage Scots to come hither, as being very good servants, and to prevent them from going to Poland and other nations. Barbados had free trade in servants and slaves until about 1652.[3]

A committee of planters meeting in London in 1672 "resolved, on debate of the addresses sent by the assembly of Barbados to be presented to His Majesty, to insist only on two, viz, liberty to transport Barbados commodities in qualified English ships to any place in amity with His Majesty, duties first secured, and trade from Scotland to Barbados with a certain number of Scots ships yearly for a supply of people."[4]

In 1674 Mr. George presented to the committee of council for trade and plantations a paper which stated that of late years very few English servants transported themselves to the sugar plantations, which stood in great need of white men to keep the negroes in subjection. Thousands of Scotch, who were going to foreign service which was no profit to His Majesty, could be induced to go to the plantations. A free trade between Scotland and the plantations was therefore requested, and also that provisions go from England to the

[1] Col. Cal., 1669–1674, No. 126.
[2] Ibid., No. 264, III.
[3] Col. Ent. Bk., XXVII, p. 80.
[4] Col. Cal., 1669–1674, No. 858, I.

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islands duty free.[1] In 1675 the Barbados assembly again addressed His Majesty for a supply of servants from Scotland to strengthen the island against the outrages of negroes, and requested that the late impost which was killing the provision trade from New England be removed.[2] Two months later the inhabitants presented grievances stating among other things that the former plentiful supply of English and Scotch servants was cut off, there being no land left to give the English at the end of their service, and the act of navigation cutting off the supply of Scotch, for men will not bring servants when they may bring no commodities.[3] This left them dependent solely on negroes for labor.

In 1676 J. Atkins reported that the planters had learned that they could keep blacks cheaper than whites, and that they would work better. The Irish especially were very idle.[4] Negroes were used more than formerly.[5] He wrote in the same year that it was "against all practice" to refuse free trade to any island, and by doing so the King lost £10,000 a year customs from Barbados. The act for trade and commerce will in a short time work the dissolution of the plantations as effectively as the daily Indian devastations threaten to do to New England, New York, Maryland, and Virginia.[6] In 1679 the Barbados assembly petitioned that since free trade could not be obtained with Scotland His Majesty would "license six ships yearly, at least, for that trade to bring recruits of white people, the want of whom is become an apparent hazard of the place, in regard of dangers from without and much greater from within." Also, "that it be represented how poorly this island is supplied with negroes, how bad and useless the sorts that are brought, and how invincible is the trouble, slavery, and attendance to the planter to procure them after they come."[7]

In March, 1680, Atkins wrote to the Lords of Trade that few white servants came to Barbados. They preferred Virginia, New York, or Jamaica, where they could hope for land after serving their time.[8] In October he again said that white servants did not come, although for their own safety planters

[1] Col. Pap., XXXI, No. 21.
[2] Col. Cal., 1675–1676, No. 682.
[3] Ibid., No. 714, III.
[4] Col. Ent. Bk., VI, p. 92.
[5] Col. Pap., XXVII, No. 22.
[6] Col. Cal., 1675–1676, No. 862.
[7] Col. Cal., 1677–1680, No. 969.
[8] Ibid., No. 1334.

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would willingly embrace them, but that since people had found out the convenience and cheapness of slave labor they no longer kept white men, who used formerly to do all the work on the plantations.[1] When the time of such men expired they sought their fortunes elsewhere.

In the other islands the experience was similar. Jamaica lay largely unsettled for years for want of people.[2] In 1669 John Style proposed to Secretary William Morrice that a proportion of Christian indented servants or hired freemen be allotted against a certain number of negroes.[3] In 1670 Sir Thomas Modyford made certain propositions to the privy council for hastening the settlement of Jamaica by ordering all such as lie on the parishes of the three nations that are of able body, and other superfluous persons, to be transported.[4] In 1684 Thomas Lynch wrote that the increase of negroes and the lessening of whites gave him great apprehension.[5] In 1672 Nevis wanted servants and slaves, "land without hands to manure it being insignificant."[6]

In 1680 the council of St. Christopher's asked the Lords of Trade if the severity of the clause in the acts of trade forbidding ships from Scotland sailing with Scotch seamen might not be mitigated.[7] The council of Montserrat on almost the same day was stating to the Lords of Trade that the greatest hindrance to the improvement of the island was lack of labor. "We not only think, but are ready to prove, that not one of these colonies ever was or ever can be brought to any considerable improvement without a supply of white servants and negroes."[8] Antigua in 1602 passed "An Act Incouraging the Importation of White Servant Men."[9]

The response of the Government to the cry for white labor did not meet the planter's hope, although much attention was given to it. During the Commonwealth the council of state frequently provided for transporting persons. In 1651 Martin Noell contracted to send over to Jamaica 1,200 men from Knockfergus, Ireland, and Fort Patrick, Scotland, at £5.10 per head.[10] A few months later the committee for prisoners was directed to license the transporting of Scots to the Ber-

[1] Col. Cal., 1677–1680., No. 1558.
[2] Col. Pap., XXV, No. 2.
[3] Col. Cal., 1669–1674, No. 7.
[4] Ibid., No. 277.
[5] Col. Cal., 1681–1685, p. 597.
[6] Col. Cal., 1669–1674, Nos. 896, 896, I.
[7] Ibid., No. 1441.
[8] Col. Cal., 1677–1680, No. 1442.
[9] Col. Ent. Bk., II.
[10] Col. Cal., 1574–1660, p. 441.

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mudas.[1] In 1655 a thousand Irish girls and a like number of youth of 14 years or under were ordered sent to Jamaica.[2] In the same year the governor of Tynemouth Castle was directed to certify to the council of state the number of prisoners taken at Dunbar, in order that those who were fit might be sent to Barbados by Noell. Prisoners at Plymouth were to be similarly dealt with.[3] Some months later Noell was licensed to transport prisoners lately committed to the Marshalsea.[4] English, Scotch, Irish, and Dutch marines confined in the castle of Plymouth, not thought fit to be tried for their lives, were to be sent to Barbados.[5] In 1656 the council of state took orders "concerning the apprehending of lewd and dangerous persons, rogues, vagrants, and other idle persons who have no way of livelihood and refuse to work, and treating with merchants and others for transporting them to the English plantations in America."[6]

In 1661 the council for foreign plantations appointed a committee to consider the best ways of peopling the plantations; of establishing an office of registry for the transported; to prevent the stealing of men, women, and children from masters and parents; and to empower justices of the peace to dispose of loose and disorderly people for the supplying of the plantations.[7] In 1664 the committee reported that the ways of getting white servants were from felons condemned to death, sturdy beggars, gypsies and other incorrigible rogues, poor, idle, and debauched persons. These, after a certain time of service in the colonies, were free to plant for themselves or take wages for service.[8] In this year His Majesty granted Sir James Modyford five years' license to transport to Jamaica all felons convicted in their circuits and the Old Bailey and afterwards reprieved.[9]

The King and council for foreign plantations again proposed to systematize the supply of labor by establishing an office for the registry of transported persons. Such were to serve four years, according to the law of the islands, unless they were under 20 years of age, in which case the period of service was lengthened to seven years.[10] Such an office was

[1] Col. Cal., 1574–1660., p. 363.
[2] Ibid., p. 431.
[3] Ibid., p. 421.
[4] Ibid., p. 427.
[5] Ibid., p. 428.
[6] Ibid., p. 447.
[7] Col. Cal., 1661–1668, No. 101.
[8] Col. Ent. Bk., XCII, p. 275, ff.
[9] Col. Cal., 1661–1668, No. 866.
[10] Ibid., No. 772.

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certainly needed. In 1662, the mayor of Bristol had addressed the King on the matter.

> Among those who repair to Bristol from all parts to be transported for servants to His Majesty's plantations beyond seas, some are husbands that have forsaken their wives, others wives who have abandoned their husbands; some are children and apprentices run away from their parents and masters; oftentimes unwary and credulous persons have been tempted on board by men stealers, and many that have been pursued by hue and cry for robberies, burglaries, or breaking prison, do thereby escape the prosecution of law and justice. Prays for power to examine all masters of ships belonging to Bristol bound for the plantations, and also all servants and passengers on them, whether they go of their own free will, and to keep a register of them.[1]

Merchants, planters, and masters of ships, also, desired a registry to protect themselves against those who "pretend they were betrayed or carried away without their consents," after having received money, clothes, and diet. It was said that the mischief had grown so prevalent that scarce a voyage was made without some real or feigned case of "spiriting."[2] The lord mayor and aldermen said that "usually for the supply of soldiers to divers parts and sending of men to the several plantations beyond the seas without lawful press, certain persons called 'spiritts' do inveigle and by lewd subtilties entice away youth against the consent either of their parents friends or masters, whereby ofttimes great tumults and uproars are raised within the city to the breach of the peace and the hazard of men's lives."[3] Affidavits and confessions in 1676 revealed something of the extent of the practice. John Steward for twelve years spirited persons to Barbados, Virginia, Jamaica, and other places, "five hundred in a year." William Thiene in one year spirited away eight hundred and forty.[4]

That the character of the class of recruits supplied made itself felt in the plantations is indicated in the correspondence of the time. To begin with, the people "come down very poor," as Thomas Lynch wrote in 1665, from Jamaica, "and went into the woods without provisions, and there fall sick before they have houses or victuals, and then the country must be blamed for their improvidence, people not remem-

[1] Col. Cal., 1661-1668, No. 331.
[2] Ibid., No. 769.
[3] Col. Cal., 1661-1668, No. 770.
[4] Col. Cal., 1675-1676, No. 1214.

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bering that air could not have maintained Adam in Paradise if God had not planted for him a Garden."[1]

In 1661 the president and council of Barbados wrote that the land was growing poorer, making less sugar than formerly, and of worse quality, "the people generally poor and vainglorious, making ostentation of riches, which they have not." "All people are so generally indebted to the merchants that they have but a small portion of their own estates. Sugar is so low a rate that the merchants send no goods to Barbados, but only empty ships to take away the sugar."[2] No wonder that release was sought from the act of navigation. Nicholas Blake, writing in 1669, speaks of oppression, "which is become so intollerable that he fears God will have a controversy with this place ere long." He complains of men who by subtlety get the whole means of poor laborers engaged to them "and yearly heap interest upon interest and gnaw them to the bone," taking 30 per cent and more. "Some in England live rich upon it, and certainly Nehemiah is needed to force them to deliver these poor men out of their bondage."[3] In 1673 the grand jury in Barbados desired that in every parish houses might be erected and a stock provided for setting to work poor people to prevent the daily increase of idle beggars.[4] In 1676 Governor Atkins said that "he can not reckon five estates in the island that are not clogged with considerable debts."[5]

Poor economy, coupled with poor social stock, made bad morals. John Style, writing from Jamaica in July, 1665, said, "not the country but the deboisterousness and intemperance of the people * * * bring evil report upon it," and asked with some petulence why His Majesty should not send out a colony as the Romans did, one family from each parish, "not your convict goal birds or riotous persons, rotten before they are sent forth and at best idle and only fit for the mines."[6] Governor Sir Thomas Modyford attributed the sicknesses of Jamaica to intemperance, surfeiting, and carelessness, especially among the old army officers, "who from strict saints are turned the most debauched devils." "The Spaniards who trade with the Royal Company at their

[1] Col. Cal., 1661-1668, No. 934.
[2] Ibid., No. 129.
[3] Col. Cal., 1669-1674, No. 126.
[4] Ibid., No. 1116.
[5] Col. Cal., 1669-1674, No. 973.
[6] Col. Pap., XIX, No. 81.

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first coming wondered much at the sickness of our people until they knew of the strength of their drinks, but then wondered more that they were not all dead."[1]

John Style wrote again in 1670:

> The number of tippling houses is now doubly increased, so that there is not now resident upon this place ten men to every house that selleth strong liquors. There are more than 100 licensed houses, besides sugar and rum works that sell without license; and what can that bring but ruin, for many sell their plantations, and either go out for privateers, or, drinking themselves into debt, sell their bodies or are sold for prison fees. Were the most savage heathens here present they might learn cruelty and oppression; the worst of Sodom or the Jews that crucified our Savior might here behold themselves matched, if not outdone, in all evil and wickedness by those who call themselves Christians.

He describes the practices of privateers "horrid oaths, blasphemies, abuse of Scriptures, rapes, whoredoms, and adulteries, and such not forborne in the common highways and not punished, but made a jest of even by authority."[2]

The council of Jamaica in October, 1671, published the following order:

> Whereas by the immoderate use of unlawful gaming many mischiefs daily arise, both in the maintaining several idle and disorderly persons in their lewd and dishonest course of life, and in the cozening and debauching many young gentlemen and others to the loss of their time and fortunes, whereby they are disabled from making any settlement in the island, and few escape a prison or being made servants in a very short time: Ordered, that all persons keeping public houses of gaming, or permitting it in their houses, shall be presentable at Sessions, and on conviction fined £10 or more at the discretion of the Justice, one-third to the King, another to the parish, and another to the informer; and those known to be common gamesters shall be likewise presentable, and to pay double the money they have won, to be distributed as before.[3]

The attempts to suppress gambling were supplemented in 1674 with intelligent efforts to supply something in its place, "that some public and manly sports instead of cards, dice, and tables be brought into fashion among the young gentry; that idleness be utterly discountenanced as unworthy of a man and most unworthy of a gentleman, being certainly the father of expensive vices, and the undoubted mother of poverty and shame; that penalties be set upon men's vices,

[1] Col. Cal., 1661-1668, No. 1085.

[2] Col. Cal., 1669-1674, No. 138. Mr. Style may have been biased. He was in prison himself.

[3] Col. Cal., 1669-1674, No. 645.

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especially upon swearing, that unpleasant, unprofitable piece of irreligion, which takes away all reverence to the Divine Majesty, ushering atheism into the world; and upon intemperance, that shame of society, so as at least it may be brought to the state it was formerly, when those that were drunk were drunk in the night."[1]

Maintenance of worship and religious life sank to low ebb. Governor William Willoughby, in 1668, described Barbados as divided into eleven parishes "with ministers whose lives for the generality run counter to their doctrines."[2] In 1671, Sir Charles Wheeler wrote, "There may be 40 parishes in his government (Leeward Islands), to supply which he found one drunken orthodox priest, one drunken sectary priest, and one drunken parson who had no orders."[3] Of the same islands Governor Stapleton wrote, in 1676, that "most frequent the churches when they like the parson or a fit of devotion comes upon them."[4] In Barbados ministers complained that few or no children were sent to them to be catechised or instructed. "The aged ought to repair more frequently to public worship and be enjoined to the better observation of the Lord's Day, the profanation of which is a crying sin in the island; that the laws for punishing swearing and drunkenness be duly put in execution; and that orthodox ministers be countenanced against the insolent tongues and pens of ungodly heretics."[5]

In 1676 there were proposals to stock St. Christopher's with malefactors and poor debtors, and an order in council directed that 300 malefactors be sent, His Majesty paying the jail fees. Ministers, as well as malefactors, were needed there also, and for Montserrat, Nevis, and Antigua.[6] Such characters were not likely to directly contribute much to the Royal African Company's support or failure, it is true, for it is not likely that either ministers or malefactors ever became purchasers of slaves to any great extent. It is more probable that the large numerical majority of the white population that were nonslaveholders, or possessors of but one or two

[1] Col. Cal., 1574–1660, No. 1425.
[2] Col. Cal., 1661–1668, No. 1788.
[3] Col. Cal., 1669–1674, p. 289.
[4] Col. Cal., 1675–1676, No. 1152.
[5] Col. Cal., 1669–1674, No. 1116.
[6] Col. Cal., 1675–1676, Nos. 783, 784, 808, 809; Col. Cal. 1677–1680, No. 1441.

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slaves, was largely made up from this social driftwood. Such men were an element in the community, very much in evidence, lending their influence toward the turbulence, disorder, rioting, and lawbreaking that was going on, and were the kind of material to make pirates, privateers, and good tools in the hands of slave smugglers or of "interlopers." The interloping ships were said to be manned by "desperate rogues," so that no customs officer durst board them.[1]

In 1680 Sir Henry Morgan wrote of Jamaica, "Nothing can be more fatal to the prosperity of this colony than the temptingly alluring boldness and success of the privateers, which draws off white servants and all men of unfortunate or desperate condition,"[2] and Morgan certainly ought to have known. Two years later, Sir Thomas Lynch wrote, "This fishing for wrecks draws all kinds of dissolute fellows to Providence. The West Indies, in fact, are full of desperate rogues; the worst are those who run from the ships that come from England."[3] Again, in 1684, he wrote, "All servants that can, run away and turn pirates, encouraged by the late successes. * * * Only yesterday I was told that there were some thirty or forty fugitives and rogues waiting to seize some sloop. * * * Our laws against privateers neither discourage nor lessen them while they have such retreats as Carolina, New England, and other colonies."[4] In 1683 *La Trompeuse*, John Hamlyn, pirate, having plundered in the West Indies, picked up a pilot at St. Thomas, and stood across for the coast of Guinea. He swept it clean, taking thirteen ships in all, four of which belonged to the African Company.[5]

We have seen how the planter's call for white labor was met. How his requests for black labor were met is best answered in the history of the African companies. The planters deemed it "as great a bondage for us to cultivate our plantations without negro slaves as for the Egyptians to make bricks without straw."[6] Across the path stood the African Company, barring the way to what was wanted.

But the colonists had yet other and better grounds for complaint against the policy and system for which such companies stood. The planter's need was peace, for this meant security

[1] Col. Cal., 1681-1685, No. 797.
[2] Col. Cal., 1677-1680, No. 1425.
[3] Col. Cal., 1681-1685, p. 320.
[4] Ibid., p. 597.
[5] Ibid., No. 1313.
[6] Col. Cal., 1677-1680, No. 1441.

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of life and property and the uninterrupted growth of trade. "Our opinions as to the means of advancing the general interest of the Island are these. The first and main thing is a firm and durable peace." Thus wrote the council of St. Christopher to the Lords of Trade.[1] But from this trade policy had arisen wars. War had endangered the life and property of the planter, rendered unstable every value he possessed, and uncertain every moment of its possession. War stopped production, for the planter must guard instead of planting. "Our works * * * must remain unfinished unless we forsake our sickle and wholly betake ourselves to the mattock and spade."[2] The planter had more work to do, less laborers with which to do it. War cut off the influx of coin from the sales of produce. War cut off the supply of labor, and raised the price of every imported product. War raised the freight on what produce he could send to England, and rendered uncertain its safe arrival. War took his supply of white servants to man His Majesty's ships, or to supply sailors for the merchantmen, whose own crews had been depleted in his ports from the same cause. No new supply of white servants could be had, for such as before had gone onto the plantations would now go into the army or with the debtors fill up for the homeward voyage the crews of merchantmen that had been lost by sickness or impressment.[3] War opened the gates for the exit of runaways, debtors, deserters,[4] and the desertion of his white servants left the planter in terror of black insurrections,[5] and perhaps with the wives and children of the absconded as an added burden to his parish.[6] The plantations were left in disorder, and if the planter raised the forts needed in defense he must guard them himself, and leave his family at home at the mercy of his negroes.[7]

With returning peace the planter was left stripped of arms, negroes, cattle; perhaps of his sugar works and buildings as well. If in war there were so many negroes as to be a menace, there were too few in peace to work plantations with profit. The French in 1666 took St. Christophers, Montserrat, and Antigua, and came near taking Nevis also. They disarmed

[1] Col. Cal., 1677–1680, No. 1441.
[2] Col. Cal., 1669–1674, No. 896, I.
[3] Col. Ent. Bk., VIII, p. 289.
[4] Col. Cal., 1661–1668, No. 1437.
[5] Col. Pap., XXII, No. 20.
[6] Col. Cal., 1677–1680, p. 503.
[7] Col. Ent. Bk., VIII, p. 289.

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the inhabitants, plundered them "to their very shirts," took away their negroes and stock, and destroyed their sugar works.[1] The losses to the planters by this war were set at £400,000.[2] Between Dutch and French, Montserrat was entirely ruined in this year.[3]

With returning peace the planter was thus forced to make a new start; but with what? His negroes and property were gone, and he had nothing with which to pay white servants, artificers, and laborers.[4] In this situation the plantations were especially vulnerable to attacks from without. In Antigua this was especially the case. The "Cannibal Indians" of Dominico and St. Vincent's made continual incursions.[4] It is not strange that under the stress of the difficulties many of the inhabitants left the settlements. This eventually gave rise to a new set of troubles, for other settlers who came in after the war and took up the abandoned estates were, after several years' possession, disseized by the old settlers, who returned and began suits to recover their property.[4] Litigation and insecurity of titles thus added to the annoyance and uncertainty of the planter's situation. The wars had made it necessary to provide for the militia and other increased expenses for the government of the island[4] at just the time when the inhabitants had the least means to make any such provisions. Mistaken notions of patriotism had promulgated warlike expeditions that had cost the lives of many.[5] The restitution of the islands and the fragments of captured property that escaped destruction and embezzlement was a long and tedious process that gave the real losers little help in the time of their greatest need. Governor Stapleton wrote in 1672, "In fine the King's subjects have little or no benefit of the Peace of Breda and are objects of pity, looking daily upon their slaves, horses, and other movables in other men's possessions."[6]

Once more the planter's need was labor; first, to restore what war had destroyed in the name of preserving trade; next, to produce again. He had nothing with which to meet

[1] Col. Cal., 1661–1668, Nos. 1400, 1456, 1629, 1883, p. 638; ibid., 1677–1680, No. 1631.
[2] Col. Pap., XXVI, No. 57.
[3] Col. Cal., 1677–1680, No. 1442.
[4] Acts of Antigua, Col. Ent., Bk. II.
[5] Col. Pap., XXVII, No. 22.
[6] Col. Cal., 1661–1668, Nos. 1764, 1775; Col. Cal., 1669–1674, Nos. 859, 896.

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the initial payments, to say nothing of paying the old debts. He must run in debt again, and negroes being scarce he must pay high prices for them. Then, as his production began to increase, the price of his one staple began to fall and the freight rates to rise,[1] and he was forced to make payments when prices were low on debts contracted when prices were high.[2] Mortality among the new negroes ran high. Sometimes an entire purchase died on the buyer's hands.[3] Then he must buy again, creating another debt, and making his labor cost him twice as much as it ought. Lieutenant-Governor Lynch thus stated the poor man's case: "By the Royal Company's proposals they can not have a negro slave under £35, for those that pay £17 in London will advance for the use of their money and bad negroes, and maybe require ready payment too, by which the poorer people will get none, and the rich will find in this as in the Gospel 'habenti dabitur.'"[4]

The forces of nature were not always friendly. Caterpillars and locusts at times made the planter's life depend on New England food, as in Barbados in 1663. Lord Willoughby wrote of "strange and unusual caterpillars and worms—which like the locusts of Egypt have come upon the land, so that the poorer sort of people, who are very numerous, have been very hard put to it, and must have perished if they had not been supplied with victuals from New England."[5] What caterpillars did not eat the winds might blow away. Nicholas Blake wrote from Barbados, in 1669, of the "most violent hurricane known to any alive." "At Nevis the sea came 150 yards up into the land; in another Island 180 persons were blown away, houses and all, and have not been seen since; * * * at Bermuda a ship was cast away in harbour, though those harbours are almost landlocked. On 1st instant began incessant rains for four days; many houses deluged; in a piece of ground of his own a ship of 500 tons might have floated, and gullies usually dry became great Rivers; stone buildings fell to the ground; and from a churchyard 150 coffins were carried into the sea. * * * It was a dismal spectacle to see the coffins sticking out on each

[1] Col. Cal., 1669–1674, No. 1062 (£14 per ton in 1672, or four times former rates); 1675–76, No. 690.

[2] Col. Ent., Bk. II, p. 45.

[3] Col. Cal., 1661–1668, No. 693.

[4] Col. Cal., 1669–1674, No. 1062.

[5] Col. Pap., XVII, No. 88; Col. Cal., 1661–1668, No. 578.

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side of the breach—enough to make one think of the resurrection."[1] In Barbados in August, 1675, hurricanes ruined churches, houses, works, mills, sugar, and utensils, twisted and broke the canes for the next year's crops, flattened and uprooted corn and provisions, stripped trees of their fruit, and wrecked ships laden with goods. "Never was seen such prodigious ruin in three hours; there are 3 churches, 1,000 houses, and most of the mills to leeward thrown down, 200 people killed, whole families being buried in the ruin of their houses." Jamaica's provisions had been sent to Virginia, which was starving.[2] In Jamaica also hurricanes spoiled crops, and the land was proving sterile and becoming exhausted after three years' production of canes.[3] Mortality among the planters was also high.[4] Barbados suffered from a disastrous fire in 1668, "a most dreadful fire that has left not a twentieth part of the houses standing * * * the fire in London was not worse. When the magazine blew up, it is almost incredible to relate what a tearing it made among the houses. There were burnt down 80 or 100 merchants' houses with their goods, and merchants, persons of quality and note; and the whole loss can not be computed at less than £300,000 to £400,000 sterling."[5] Following the French hostilities of 1666, the French King imposed a low duty on French sugar and high duties on English sugar. As a consequence, less English sugar went to France and more to England, and the prices fell. In England, the planter's sugar had to compete with Brazil sugar, which was, he alleged, charged less duty than his own, according to quality, and which the Portuguese could produce 30 per cent cheaper than the English planter could, owing to the low marshy soil that made replanting unnecessary, because they got negroes, horses, and cattle at better rates, and because in conveying wood and canes to the works and in grinding they could make use of water and other conveniences, as was not then done in the English plantations.[6]

[1] Col. Cal., 1669–1674, No. 126.

[2] Col. Cal., 1675–76, No. 690; Col. Pap., XXVII, No. 22.

[3] Col. Ent., Bk. VI, p. 55.

[4] Col. Cal., 1677–1680, p. 619.

[5] Col. Cal., 1661–1668, No. 1739. The fire was in St. Michael's town. One writer says nearly 800 houses were consumed. The explosion apparently scattered the fire through the whole town. It also left the inhabitants without ammunition for defense.

[6] Col. Pap., XXVI, No. 57.

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Such were the circumstances of the planter's life which made his success precarious. In this aspect of the struggle he appears as a lawbreaker, a debtor, and a smuggler, not from pure viciousness, but from the necessities of the situation in which he was placed. He was fighting for life, which was what free trade meant for him. Governor Atkins put the case very plainly to the Lords of Trade:

> But my Lords there is one thing more ye may admit as a Maxim that whensoever ye intend to Plant a new Collony ye must make their Port a free Port for all People to trade with them that will come.—The ordinary way thats taken for new Plantations I humbly conceive is a little erroneous, for if it bee by Societies of Noblemen, Gentlemen and Merchants the two first will commonly venture no more than they will throw away at Dice or Cards, or what they can well spare from their other expences drawn in by some specious Pretences of the Publique good and the Merchants doe itt for Proffit and hopes of Extraordinary gaine. If Returnes doe not in some time Present the Gentleman growes suspitious the Merchant is too hard for them for they must trust him. The Merchant finds that his Expectation is not answered and hee growes Restie the people uppon the place who are imployed by them all will drive it as farre as it will goe. But when the first Machine fayles wch is supplies of People Provisions utensils and hands to worke the Engine must needs stand still for if the Bucket goe down into the Well the Rope must needs goe with it.—My Lords the Act for Trade and Navigation in England will certainly in tyme bee the Ruine of all his Maties Forreigne Plantations.[1]
>
> And uppon the Sugar Plantations Chiefely depends ye Guyny trade also.[2]

The African Company had contributed its share to ruin the market on which its own success depended. The English policy was suicidal.

II.

THE SLAVE TRADE.

One of the understandings on which the reorganization of African companies took place in 1672 was that the new company should supply the colonies with slaves.[3] In the declaration of this intention the care of the former company in seeing the plantations well supplied at moderate rates was rehearsed. "And whereas this abundant proffered kindness of the Company found not that good acceptance by the Planters as was hoped for," great numbers of negroes were left upon the hands of the company's factors, confined to a narrow planta-

[1] Col. Pap. XXVII, No. 22.
[2] Ibid., XXXI, No. 21.
[3] Ibid., XXIX, No. 60.

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tion, and hundreds sickened and died and the rest sold at losing rates. After this a higher price was contracted for, yet the factors had to sell for sugar, on credit and long time, with results that have been already noted. Bills of exchange given in payment were for a large part returned by protest. The debts thus outstanding contributed in a large measure to the ruin of the former company, and the new concern proposed "to steer such a course in the Trade of Negroes, as may prevent their splitting the new Stock on the same Rock." For this purpose the declaration was made:

That if any person or persons, will * * * contract with the Company here in London for so many Negroes as one or more Ships may probably bring from Africa, to any one of his Majesty's American Plantations, giving good security to the satisfaction of the Company, to receive within Three days after their arrival in the respective Roads of Barbados, the Leeward Islands and Jamaica, and within seaven dayes at Virginia, or Maryland, so many of them as shall be able to go over the Ship's side alone, without accepting any, whether Males or Females, from Twelve Years of age to Forty, and to pay for them in London; One Third within Two Months, One other Third within Six months after the sight of a Certificate, either from the person or persons receiving them, or upon Attestations upon Oath Notarially taken, and past by the Master of the Ship for the time being, or any two or more of the Ship's Officers, the Company will deliver them at the prices following. That is to say, At Barbadoes at £15 sterl per Head. At Nevis for the use of that and other Leeward Islands, at £16 sterl per Head. At Jamaica at £17 per Head. At Virginia at £18 per Head.[1]

By this arrangement the Royal African Company would save the charge of factorage.

And they do further Declare, That in case any of their Ships arrive with Blacks which are not precontracted for, so as they must be committed to the disposal of Factors, the Company doth hold themselves justly at liberty to sell them for the most they can get, and will give express Order to their Agents, to sell none but for present payment in money, or Goods, at such Rates as shall be agreed on between their Agents and Buyers; and that they shall accept no Bills of Exchange without a previous Security given here for their payment, and Certified to their Agents.[2]

This was in December, 1672. In January, 1672, negroes had sold for £22 per head at Jamaica, and the Spaniards were picking up lots at from 150 to 200 pieces of eight per head. Sir Thomas Lynch desired to be a factor for the new

[1] Col. Pap., XXIX, No. 60. It is to be noticed that Virginia prices were higher than any of the West India rates.

[2] Ibid.

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company, and thought that he could do it cheaper and better than previous agents.[1]

Governors in the West Indies were directed to particularly assist the company in the recovery of its debts and see that payments were made according to agreement.[2] The patent bears the date of September 27, 1672. In November following it was supplemented by a proclamation prohibiting private trade or interloping, which indicates that thus early in its existence the company had begun to struggle for its trade. American vessels were now among the offenders.[3] The former company's licenses had taught the private traders the emoluments of the business, and their ships, fitted out for this trade, most naturally turned to interloping when licenses could no longer be secured under the new concern.

The lines along which the company was to have trouble are forecast in these instructions against interloping and for the collection of debt, although it was impossible to anticipate all the forms that the difficulties would take. The company was formed in anticipation of great profits from the slave trade. But the greater the profits, the greater would be the premium on breaking through the regulations by which it was hedged in. The interests of the plantations and of the interloping traders combined to work the confusion of the company. The smugglers stole away its market; the planters did not pay their debts.

The company had so much difficulty in the collection of its debts in the islands that it will be well to see what the facilities for securing such obligations actually were. On receiving instructions to facilitate prompt payments and govern according to the laws of England and the constitution of the place, Sir James Russell says, in 1673, that "the constitution of that place and the nature of the people is to get in debt as much as they can and as long as they may be trusted." And of the operation of justice he cites this case:

> Captain Ashton, in his government of Antigua, for reasons known to himself, did make a law that all lands and negroes should be inheritance. It happened after that some ships came and put off their negroes at days prefixed, the time was expired and the merchants expected payment, but the

[1] Col. Cal., 1669–1674, No. 729.
[2] Ibid, Nos. 812, 1186.
[3] Col. Pap., XXXI, No. 80.

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planters failed; they sued for their goods or to have their negroes again, which would not be granted, being an act for inheritance, but they should be extended and put to hire for so much a year, so that the merchant in seven years could not get his principal.[1]

After His Majesty's letter on the matter of debts had been communicated to the assembly of Barbados, the council of Barbados, in March, 1673, affirmed that the state of public justice in the island had been misrepresented to His Majesty and that the Royal Company had the same law for the recovery of debts as all other inhabitants.[2] This was undoubtedly the case, and it brings out an extremely important point in colonial relations, namely, that the colony was always debtor to the mother country. For this reason the laws applicable to the collection of debts might be iniquitous in the extreme, and excite no desire for reform among colonial lawgivers. Governor Atkins and the agents of the Royal African Company serve as sources of information on the operation of Barbados law. The former says that there were five courts palatine, having distinct jurisdictions, the island being divided into five cantons or shares. Severally depending on the several jurisdictions were courts, so that what was condemned in one court could not be executed in another jurisdiction. A planter frequently held land in two jurisdictions, and when one came to make distress he withdrew with his goods and negroes into the other, where he was not condemned, thus defrauding the creditors. The judges had neither fees nor stipends, and if they got anything it was by favoring the condemned party. The judges made their own clerks; the provost-marshal made the bailiffs, and the bailiffs, for money, would notify the debtor when they were going to distrain. This gave the debtor time to make over his estate beforehand, and purchase "some small piece of land in Scotland (as they call it)" which was appraised, and with which the creditor had to be content. Atkins remarked that this division into separate jurisdictions was suitable enough when the plantation was in its beginnings, but now the divisions should be consolidated, and the laws everywhere executed alike, security being taken from the officers to execute them. There was not a gaol in the island.[3]

[1] Col. Cal., 1669–1674, No. 1079.
[2] Ibid., No. 1043.
[3] Ibid., No. 1183.

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From the accounts of the agents[1] it appears that—

(1) No freeholder (a person seized of 100 acres) could be arrested and imprisoned, though his debt were a hundred times the value of his land. This immunity bred delay. The debtor paid no interest and but small costs of suit, was sure of a year's time, and then, if his property was taken in execution, was sure of its being appraised at one-third more than its worth, since the appraisers were his neighbors, whose turn might come next. Land was worth nothing without slaves, and was, of course, unmarketable at the appraised value. An estate, therefore, if taken by the company, lay on its hands a a dead stock or had to be sold for much less than the debt. For example, the company once attached a place called Reid's Bay for a debt valued at 30,000 pounds of sugar. The best offer that the company could get for the place was about 6,000 pounds of sugar, and this was after sugar had fallen about one-half in price.

(2) If a creditor found nothing to seize but a house or a windmill, if it was appraised at more than the debt, he must immediately pay over the balance of what it was appraised at.

(3) Satisfaction was delayed by dilatory pleas, etc., for which delays there were no fines imposed.

(4) After judgment was obtained the goods must remain eighty days in the debtor's hands, so that he could raise the amount of the judgment. There was no security for the payment or delivery of the goods in the eighty days, so instead of raising the amount of his debt the debtor would embezzle or impair the goods.

(5) Writs of error were frequently brought with no just cause for recording a judgment. There was no penalty and but a small cost.

(6) Whenever a jury found a verdict for the creditor they barely allowed the debt, with no damage (interest), though it had stood for many years.

(7) A debtor owing several accounts, and making a payment, could apply it to whichever debt he chose, by which plaintiffs were frequently nonsuited.

(8) On protested bills of exchange only 10 per cent was allowed. Many debtors would write to their correspondents

[1] Col. Pap., XXX, No. 96.

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not to accept, but let the bills go to protest. Thus they would gain from eighteen months to two years' time in payment.

In Jamaica acts were passed lowering the rates of interest; also acts "authorizing the free importation of negroes in all ships qualified according to the acts of navigation and trade."[1] In 1680 the merchants and planters petitioned the Lords of Trade that the chancellor of Jamaica might be empowered to stay executions if the creditors of the planters pressed their suits, as it was anticipated they might do, owing to these acts.[2]

Such being the laws in operation, the directions that were given to governors in their commissions[3] were of little avail. From the treatment thus given to what the planters conceded to be just debts, it becomes not difficult to say what their sentiments and action might be in cases of illicit trading and similar violations of the company's charter. From the instructions given to Lord Vaughan in his commission as governor of Jamaica, in 1674, it is to be inferred that the West India people had begun the business of interloping for themselves.[4]

In the face of such facts, however, the circumstances under which the Royal African Company began its career were as favorable as any such company could at any time have expected. The demand from the plantations for slaves was greater than it had ever been before. The supply of slaves in Africa had not failed to meet the demand, and as yet prices had not been forced up to the point that they reached later. The war with the Dutch had proved detrimental to English interests in general, but its burdens had not fallen on the present company. They fell on its predecessor, and the new concern started with all the privileges the old had ever enjoyed, and a far larger capital. The treaty of Breda guaranteed that the English would be respected in their rights of possession and trade on the African coast so long as they returned this favor to the Dutch. The circumstances, moreover, at this time were such as to allay rather than excite the mutual jealousy of these two powers. They had a common enemy, the French, and they had a common interest in suppressing interlopers, who were so injuring the trade of both. In the

[1] Col. Cal., 1669–1674, No. 1241.
[2] Col. Cal., 1677–1680, No. 1622.
[3] Col. Cal., 1669–1674, p. 570, No. 1398.
[4] Ibid., No. 1392.

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West Indies, however dilatory the planters may have been in meeting their obligations, the company certainly had all the backing that the Crown could give it, in instructions to the royal officers and in repeated orders respecting its affairs. In England the same marks of regal favor were bestowed on the company. If, therefore, the Royal African Company could not succeed, profiting by all the experience that had gone before in the conduct of this trade, and by the especial privileges that it enjoyed, it may be fairly questioned if any concern could have taken the trade and on the same theories and principles have brought it to a successful issue.

The proposal of the company to supply the plantations with negroes was an offer made in good faith. Some planters availed themselves of contracts made in advance, and the company in such cases sold at the stipulated rates. In other cases they sold as the market ran, according to the condition of the slave, of course always as high as possible. Few planters were in circumstances to make contracts for slaves, or to take any considerable number at a time, or wished to run their chances in taking slaves precontracted for. They therefore had to purchase as best they might, paying the higher rates. And so while in theory negroes could be had for £15 per head, according to the declaration of the African Company, a planter who wished to make his choice must still give £20 to £22 sterling in bills of exchange or from 3,800 to 4,000 pounds of sugar.[1]

Complaints from the planters were frequent in consequence. The great need of the planter was labor. Petition after petition had gone to Parliament for free trade with Scotland, so that Scotch servants might be brought to the plantations, and repeated calls had been made for English and Irish servants,[2] and when deaf ears were turned to these petitions the same demand was voiced in the cry for a free trade to Africa for negroes. When Jamaica took matters into her own hands, and passed an act in 1674, authorizing for two years the free importation of negroes in all ships qualified according to the acts of navigation and trade, she alleged as the reason for such an act the absolute dependence of the island upon a reason-

[1] Col. Pap., XXXVIII, No. 65.

[2] Ibid.; Col. Cal., 1669–1674, No. 1257. A petition from St. Christopher's, Nevis, Montserrat, and Antigua.

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able and constant supply of slaves, and the lack of a supply from other sources on account of the present war.[1] Of course such an act never received the royal assent, and it was probably the cause of a communication from His Majesty to the council of trade and plantations, requesting their consideration of the points: (1) Whether there ought not to be, in case His Majesty commands it, an exception to the rule that all laws should stand good two years; (2) how the negro traffic might be limited to the Royal African Company to the good of both plantations and company.[2] Lieut. Governor Thomas Lynch excused the act by saying that when it was passed the company's patent had not appeared, that it was a time of war, and that there was no probability of the company's supplying the island. At length one of their ships had arrived with 400 slaves, and so he thinks it reasonable that the patent should be supported.[3]

The demand for labor arose from the necessities of the planter's case, and can not be called unreasonable. But neither was it unreasonable to suppose that an incorporated company with stations, fleet, manufacturing interests, in short a full equipment for carrying on the business of furnishing the supply, could afford that supply cheaper than the planter himself could procure it. In the light of later developments it seems that it could and did. It is doubtful if the planters could at this time bring their own slaves at an average of £15 per head, the figure at which the company stood ready to supply them in lots. In 1670 owners of shipping were willing to transport white persons (servants) to Jamaica from England at £12 to £15 per head for males, and £10 to £12 for females.[4] This included freight, food, and care, items that could not be trimmed much closer in the case of slaves; and in the case of the latter there were the additional items of their first cost and the longer voyage.

The turning point of the whole business for the planter was the value of individual selection. Of the company he must take such numbers as he could get, of such quality as they chanced to be, at such prices as were charged, sick or healthy, and at whatever season of the year they happened to come. The private ships could get quicker returns of choicer

[1] Col. Pap., XXXI, Nos. 5, 16.
[2] Ibid., No. 76.
[3] Ibid., No. 77.
[4] Col. Cal., 1669–1674, No. 277.

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negroes and at less mortality risk, since they carried small cargoes—40, 80, or 90 negroes, while sometimes ships of the Royal African Company carried as high as 400.[1] Individual selection was eliminated to a large degree in negroes purchased of the company, and this counted for as much in the purchase of a negro slave as in the purchase of cattle, horses, or any other laboring animals. It might make the difference between profit and loss. So the planters complained, and passed an act limiting the price of negroes. The act defeated itself, for the price was set so low that the company could not supply them, and when the King abrogated the law it was much to the relief of the planters.[2]

On its side the Royal African Company still complained that the colonists did not pay their debts. In June, 1676, the planters of Jamaica were owing the company £25,000 for negroes sold to them in 1673 and 1674.[3] Some 5,220 negroes had been sent in 1674 to America, 2,320 going to Jamaica, 1,720 to Barbados, and 650 to Virginia, and when these returns were made there were other vessels that had not arrived.[4] In 1675 there were sent to Jamaica four ships with 1,660 slaves, and in 1676 five ships with 1,540. These in each case, barring accident, would arrive in the following year.[5] From June 25, 1671, to March 25, 1679, there were 11,816 slaves brought to Jamaica, of which 8,645 came directly from Guinea.[5] The company reported 9,248 sold between 1671 and 1676.[6] There were laden at the Guinea coast for Barbados five vessels, with a total of 1,588 slaves, of which 1,372 reached Barbados and were sold in the first six months of 1676. Over 400 more were brought to the island, but could not be sold, and were sent to Nevis and Jamaica.[7] Governor Atkins reported that between December 1, 1678, and December 1, 1679, 1,425 negroes were received, and sold by the agents of the company for £20,520. In January, 1680, 484 more arrived and sold for £7,050.[8] Governor Lord Vaughan, of Jamaica, wrote in 1675 to Secretary Williamson that the company was supplying them well with negroes, but that

[1] Col. Pap., XXXI, No. 77.
[2] Col. Cal., 1669-1674, No. 1004.
[3] Col. Pap., XXXVIII, No. 67.
[4] Ibid., XXXI, No. 10.
[5] Naval Officer's Report, Col. Pap., XLIII, No. 37.
[6] Col. Ent. Bk., I, No. 92.
[7] Col. Pap., XXXVIII, No. 26.
[8] Ibid., XLIV, No. 47, and ff.

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the rates were high, none selling under £22.[1] The number ordered between Christmas, 1674, and Christmas, 1675, for Barbados, Nevis, Jamaica, and Virginia, including five ships not arrived, was 7,025.[2] Secretary Williamson's notebook for 1676 shows that the company was supplying Barbados at fixed rates, £20 to £22 per head, or in lots at £15. This was in exact accordance with their agreement. They formerly had sold at £16 per head, for the choice.[3] A letter from Port Royal, June, 1676, informed Secretary Williamson that the people of that island were much dissatisfied because the Royal African Company did not furnish them with negroes, as they did the other plantations. It was added that it had become a good trade to buy negroes of the company's factors in Barbados and ship them to Jamaica, buying for £17 and selling at £24 per head.[4] St. Christopher, Nevis, Antigua, and Montserrat were said to be able to take and pay for 1,000 blacks a year, but these islands were almost wholly neglected by the company so far as any direct supply was concerned. It is interesting to note that the amount of this desired trade would be almost the exact equivalent—£20,000—of what went to New England, Scotland, and Ireland, for horses, servants, and provisions.[5] In January, 1677, Governor Atkins wrote that the Barbados assembly claimed that the Royal African Company drew from £40,000 to £50,000 sterling annually from the island.[6] Add to this the poor debts, and it would indicate that the island was not ill supplied with slaves, since the same letter put the required number at from 2,000 to 3,000. The existence of a local trade between Barbados and Jamaica supports this conclusion. The Royal African Company's list of ships showed that 21 vessels cleared from the coast of Africa between April 5, 1675, and June 17, 1676, carrying 5,965 slaves, of which 2,180 were destined for Barbados, 2,170 for Jamaica, 935 for Nevis, and 680 for Virginia.[7] The governor's letter nevertheless complained of a scarcity of negroes, said that many (sugar) works were standing idle for lack of them, and that the company sent their ships to Jamaica instead of to Barbados. A scarcity would probably

[1] Col. Pap., XXXIV, No. 50.
[2] Col. Cal., 1675–1676, No. 512.
[3] Ibid., No. 405.
[4] Ibid., No. 959.
[5] Col. Pap., XXXVIII, No. 65.
[6] Col. Cal., 1677–1680, No. 11.
[7] Col. Pap., XXXIV, No. 50.

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continue so long as slaves could be sold for £7 per head more at the former island than at the latter, but this difference could be only temporary. The printed rates of the company indicate about £2 per head as the normal difference, based on the cost of delivery.

From this data it appears that the company was attempting to fulfill its propositions and was succeeding tolerably well, but that the planters were slow in paying their debts. They were also said to have overvalued their commodities, at the rate of £100 to £70,[1] an overvaluation probably resulting from debased money. Lord Carlisle, governor of Jamaica, wrote in June, 1679, to the Lords of Trade that if they (the planters) made their money of the weight and fineness of English money none could be kept in the island. In New England "a nine pence goes for a twelve pence, which fills them full of money; yet, though the current money here be raised above its value, they carry off this island all our ready money."[2] The company complained because "light Spanish money passes in Jamaica without any determined weight, and is every day introduced lighter and lighter. Hence the price of all sugars and commodities out there is high, though it has fallen all over Europe."[3]

The company wished to secure the Spanish trade, and desired it to come to Jamaica. It could furnish negroes at advantageous rates there, since, as they expressed it, it was nearly 20 per cent cheaper to give 110 pieces of eight at Jamaica than at Curaçoa, which was the Dutch mart.[4] Jamaica could thus be readily made a distributing center for the Leeward Islands, and as the company was willing to deliver one-third at Barbados, this could be made the base of supply for the Windward Islands. Such a contract it was thought would establish a good correspondence between the subjects of both Crowns, and keep down any third power, by which the French were probably meant. It was thought that it would also hinder piracy in these waters by increasing the Spanish fleet.[5]

[1] Col. Pap., LXVIII, No. 67.

[2] Col. Cal., 1677–1680, No. 1030. As a matter of fact, New England experienced the same difficulty as Jamaica in keeping gold and silver, and for the same reason, there were things they needed more.

[3] Col. Pap., L. No. 6.

[4] Col. Cal., 1669–1674, p. 205; 1675–1676, No. 427.

[5] Col. Pap., XXXIV, No. 5.

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The Spanish trade was always an important item for both nations. Sometimes it was licit, at other times clandestine. Regardless of the various Assientos, which were held in turn by various powers, the English always got a residuum of the trade. At first the African companies held Spanish contracts; later the trade went to the Jamaica skippers. The transition occurred as follows: In 1671, or just before the reorganization of the company, Lieutenant-Governor Lynch, of Jamaica, after adjustment of peace with His Catholic Majesty relating to America, had given Mr. Read, the African Company's factor, and another gentleman orders to treat with the Assiento's factor to come to Jamaica for negroes, but "he was so hated and the gentlemen so watched that nothing could be done."[1] However, certain contracts with the Grillos were eventually continued or renewed—at any rate they existed in 1676, when the company, unable to supply the contracted number, petitioned the King to allow the Spaniards to buy of the planters enough to complete the contract.[2] The request was complied with, and the King directed Governor Atkins at Barbados and Governor Vaughan at Jamaica to exact no other duties than the laws appointed,[3] meaning probably that the Spaniards were to pay the same duties as the Royal African Company, whose place in this instance they were taking. The request may have been more readily complied with since the Dutch were at the time getting the Spanish trade to the extent of several thousand slaves a year.[4]

The results were apparent in both islands very shortly. Governor Atkins reported in May, 1677, the arrival of a Spanish ship from Cales for the trade. He says:

I doe find upon Record here, a Privy Seal or Signet, given my Lord Francis Willoughby, and to his succeeding brother a power and a command to endeavor to make a trade with ye Spaniard, if it could be done, which once they had obtain'd, but had lost it again by the petulancy of the then Lieutenant Governor, and they never came here since. But now I find they are resolved to come againe by the perswasions of ye Guine, Compa.—It will be of great concernment to the Guinea Society for Vending their Negroes, as well as to the Island, since they will bee thereby furnished with money that they may pay their debts the better and rid themselves, at good rates, of their refractory, dangerous and bad Negros. The place likewise is well situated for it, and most proper to make the

[1] Col. Cal., 1669–1674, No. 604.
[2] Col. Pap., XXXVIII, No. 68.
[3] Col. Cal., 1677–1680, Nos. 234, 236.
[4] Col. Pap., XXXVIII, No. 65.

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Mart; for the Company cannot send their ships hither soe exactly as to meet them here, not knowing when they will come; and to keep Negros in their hands in expectacon of them will bee noe ways profitable. There will bee always a Stock ready upon the Island for the Spaniard, which will invite him to come to buy, because first of that certainty; next being within ten or twelve days' sail of the Port the Havana, where they carry them all unto.—By this means the Guinea Compa. will bee much advanced in their sales, as well as in the number as the prices of their Negros; the Island, by this money trade, will increase in wealth; and—it may grow to bee soe considerable that a duty, of some advantage, may rise to his Matie.[1]

The letter was sent to the African Company for its consideration, which was favorable,[2] and to their solicitor-general for his opinion of the legality of the trade, "whether negroes ought to be esteemed goods or commodities intended by the acts of trade and navigation." His opinion was unfavorable. He held that negroes were goods and commodities, and upon debate before the lords committees of the plantations it was so admitted.[3]

In October of the same year Governor Vaughan reported much the same state of things from Jamaica. Two Spanish ships had come there for the trade.[4] The Royal African Company had meanwhile, in July, reported to the lords of trade in favor of allowing this liberty permanently to the plantations.[5] Their reason was doubtless the hope suggested by Atkins, that prompter payment on the part of the planters might follow if the latter had a supply of ready money, and the fact already noted that the company itself could supply more advantageously at the English market than any other could at the Spanish. Perhaps, also, it was foreseen that a more remunerative market would result from the competition of buyers. The negroes sold by the planters would be of the poorer sort, and for every slave thus sold there would arise a demand for another and better one. The supply must come through the company in any case. The islands had been no more than let into this trade, however, than the opinion of the solicitor-general threw them out again, on the grounds above

[1] Col. Ent. Bk., I, pp. 74, 75. This letter shows, of course, that the planters themselves were not so very short of negroes, after all.
[2] Ibid., 76.
[3] Ibid., 77, 78.
[4] Col. Cal., 1677–1680, No. 446.
[5] Ibid., No. 369.

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mentioned, in January, 1678. Negroes were goods and commodities, and so were forbidden to be exported from His Majesty's plantations in other than English ships. Therefore the Spanish trade could not be permitted.[1] Meantime the colonies had been taught from their short experience the desirability of it, and with their own sloops soon showed their capacity to handle it, while the formation of the French Senegal Company about this time,[2] and the clash of interests between the Dutch and the French in the West Indies,[3] served to throw this Spanish trade more than ever into the English hands.

The breadth of the French company's claims cut into the interests of the Dutch on the coast of Africa, also, and gave rise to a better understanding between the Dutch and English in their African management. This fact undoubtedly operated to aid the Royal African Company in suppressing interlopers, since it allowed it to give its entire attention to this object undiverted by either of the foreign neighbors. The mutual understanding between the English and the Dutch went so far that in the latter part of 1677 the directors of the Dutch West India Company wrote to the Royal African Company pointing out the similarity of the two companies' interests on the African coast, and suggesting that they could profitably join in protecting them from interlopers,[4] and in the following February His Majesty gave the Royal African Company permission to treat with the Dutch West India Company on this subject.[5] The English, however, apparently thought it inadvisable to make any pledges of cooperation, and very wisely so. The burden of the task must in such an arrangement have fallen principally upon the Royal African Company, for the Dutch were engaging all their efforts with the French. In 1678 the latter took Arguin, and obtained the ascendancy in that quarter. The assistance to be looked for from the Dutch, therefore, would have been slight. Any alliance with them, moreover, might readily have been construed into hostility with the French, if indeed it had not drawn the English into actual hostilities. The English were already in a position to get the utmost advantage out of the circumstances without

[1] Col. Cal., 1677–1680, Nos. 346, 584.
[2] Peytraud, 41. L'Esclavage aux Antilles Françaises.
[3] Col. Cal., 1675–1676, No. 959; 1677–1680, Nos. 313, 559.
[4] Col. Pap., XLI, No. 58.
[5] Col. Cal., 1677–1680, No. 31.

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making any move except such as was directly connected with their own affairs. If under these circumstances the company could not maintain its charter rights in Africa, it must be taken as a pretty clear demonstration that such rights were altogether futile.

In spite of the advantageous circumstances, however, the irregular traffic was far from killed in Africa or the West Indies. The difficulties of the task of suppressing illicit trade will appear from the very nature of the case. The remedies had to be applied at three points—in England, in Africa, and in the West Indies: and although in England the authority of the Government was behind the company and exerted in its support, in Africa and in the West Indies the royal authority was not sufficiently operative to be of any great assistance, and in all three places the force of circumstances was against it.

The efforts of the company as applied in England were to head off the ships of interlopers from their intended voyages. The prevalence of the illicit trade is evidenced by the frequency of the petitions from the company to stay ships trading, or about to trade, within the limits of its charter. The especial frequency of these in 1677 marks the greater activity of the company in trying to suppress the illicit trade, rather than greater activity on the part of the traders.[1] The cases of ships falling under suspicion came to be so numerous that it was ordered by His Majesty in council that the lord treasurer be authorized and required, on application by the Royal African Company in the intervals of the council, to give orders to stay all interlopers till His Majesty should hear the parties and declare his pleasure.[2] Nothing could be done, however, save to allow the ship to proceed, after security had been given not to encroach on the rights of the company. But as the company itself was not trading to the full extent of its limits, and had nothing like a system of patrol, it is not safe to say that all such vessels held strictly to their promise. The company claimed that prices of slaves rose a full third in Guinea by reason of the interloping ships.[3] Of course, to the African native one ship was as good as another.

The state of things in the plantations requires a longer

[1] Col. Cal., 1677–1680, Nos. 18, 217, 230, 497.
[2] Col. Ent. Bk., I., pp. 79, 80.
[3] Col. Pap., L, No. 6.

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story. If in England a ship laden for Guinea could be stayed, at least till she was sworn to some other voyage, there was no staying of vessels sailing from West Indian or American ports, and such vessels had, as we have noted, already entered the interloping trade. In England there was a hostility against the company as a monopoly, an antagonism that led to a series of attacks upon the charter. In the West Indies little was cared for the exclusive charter rights of any company, so long as smuggling could be freely carried on, but any attempt to suppress this was a goad to the sensitive planter. The two forces, therefore, although not yet allied, both worked against the company, and probably more effectively than if they had been in combination, for they attacked it from two sides at the same time. As the struggle progressed these forces came into conscious cooperation.

The company's first endeavor was to prevent interloping ships from leaving England; its second step was to prevent such from trading in Africa, if they had succeeded in evading the first step; its third attempt was to prevent their landing their slave cargoes in the West Indies after they had succeeded in evading the first two steps. It was here that the final and fiercest clash of forces came. If the company failed here, it was completely beaten, and here the opposition was hardest to be met. Royal authority counted for little at this distance, and turbulence and violence were hard to suppress. The planter was lawmaker, lawbreaker, witness, judge, jury, and executioner. We can not wonder if his force abated before he reached the final rôle.

Royal commands continued to be issued on behalf of the company. On March 1, 1676, orders in council were taken directing the governor of Barbados to maintain the privileges of the company. Violations of the charter and of the proclamation of 26 Charles II, November 30, were noticed, and all officers were directed to assist the company's factors in making seizures of all violators of the charter.[1] A letter from His Majesty further reprimanded the governor for his laxity, and charged him to allow no further "Prevarications" to be practiced.[2] The company frequently communicated instances of violations with a fullness of detail that shows the hopeless odds against which it was fighting.

[1] Col. Ent. Bk., I, 30, 32.
[2] Ibid., 40, 42.

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Edwin Stede, company's agent, wrote from Barbados, September 15, 1675, regarding a ketch that came with negroes for Morris and Fowell, ten of which blacks he seized. The vessel, properly forfeit for having traded in the company's limits, was sold to Vaughan and Middleton, and was probably designed again for Guinea, for she rode at anchor "in a clandestine manner" in unaccustomed places, out of reach of the forts, and had not given the security required by law. Stede procured from the governor an order for her to leave the island or come into port. She did neither. Neither would Captains Heath or Chevall[1] send boats and men to take her as they could have done and ought by their charter party. So she daily for three weeks took in goods in contempt of the governor's commands. Then Stede, as collector of customs, sent a wherry with Mr. Hugh Archer, a known and sworn officer, to board her and search for unaccustomed goods, as the law required. She would not allow the officers to board her, but threatened the death of any who should attempt it, and "discharged several Musquetts laden with powder and Bullet agt. him then sitting in his boat, to the hazard of his life, and those in the boat with him, and to the great discouragement of his Maties. Officers in performance of their duty." The governor had no vessel that he could send against her. His Majesty's ship *Foresight* just then coming to anchor, the ketch immediately sailed.[2] In this fashion not only officers of the company, but those of the Crown as well, were set at defiance with impunity.

Again, the company reported a seizure of 80 out of 150 negroes illegally imported, and the violent abduction of these by the planters, and the beating and wounding of the agents, "which proceedings doe very little discourage others in the said privat Trade; and the mischiefe doth increase soe fast that it will be impossible for your ptrs. to support and maintain their Forts and factorys if ye same bee not speedily and absolutely prevented."[3] The narrative of the company's agent illustrates the difficulties at Barbados:

"Armed multitudes on foot and on horseback" attacked them and took away the 80 negroes. The offenders were only bound to keep the peace, and

[1] Probably masters of vessels in the company's employ.
[2] Col. Pap., XXXV, No. 19; XXXVIII, No. 95.
[3] Col. Ent. Bk., 1. 33.

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appeared unconcerned, while "the ship in contempt of the Government, as well as ye Laws of this Island, still lies at a place called the Black Rock in this Island, where interlopers usually are to refit themselves for another Voyage, but will not come within command of the Forts, nor give security not to depart ye Island without license, nor to carry off Debtors, servants, or Negroes, without Tickets, as by a law of this Country made to prevent carrying off Debtors servants and Negros hee ought to doe, on pain of forfeiture of 1000 lbs. of sugar. Notwithstanding all which ye Commander of the said Vessell, nor the Merchant George Parris, nor the Owner of the Ship (who live in the Island) have any-thing said to them. * * * Wee do not think fit to prosecute an action for the recovery of the Eighty Negroes were seized and were violently taken away from us, till we receive directions from you, being assured a Jury will find against us. For possibly it will not bee easy for us to make such proofe as will satisfy a Barbadoes Jury that they came from within the limits of your Charter; or if such proofe could bee made, yet considering the Baron of the Exchequer and some of his assistants (who are the same with the Baron &C) are concerned in Interlopers, it will bee noe easy matter for us to obtain a Verdict against Interlopers. * * * Just now is come to anchor at the Black-Rock, another small Interloper, belonging, as wee are informed, to Judge Sharpe, Mr. John Worsam, Mr. Robert Rich and others, who yesterday landed, on the back part of the Island, about Eighty Negros which wee cannot possibly prevent, unless wee had such a Vessell, and so qualify'd at our command, as wee have formerly mentioned; for wee that live in Town can not presently know what ships appeare, or what is done on the other side of the Island. Wee hear of several other interlopers that are shortly expected, 4 or 5 of them went from England, 2 or 3 from this Island and one or two from New England; soe that wee now expect to see a Fleet of them, without any hopes of assistance, or any means to prevent their landing their Negros, and having egress and regress of Trade here. We are informed that this Interloper came from the Bite, and brings some teeth and some Wax; what quantity of either wee know not. Wee are told that the Patience Capt. Hobson lately arrived from England hath brought a new Cargo for this Vessell for another Guiny Voyage, on which doubtless shee will proceed soe soon as refitted, and we are noe ways able to prevent her, having noe manner of assistance from any person, all people appearing against us, and are ready to help Interlopers all they can, if some speedy course bee not taken to prevent them, they will reap the benefit, and the Compa., have the least share of the Guiney Trade. 10 December, 1675. Wee have now notice of another small Interloper that hath plyed 2 or 3 days, about the windward part of ye Island, and there landed about Ninety Negroes. This wee suppose may bee Gilberts ship, ye Compa. formerly menconed; shee never came in sight of this part of ye Island, but after landing her Negros went to Leeward, its said to Sta. Lucia, there to lade timber, and then come back hither, supposing thereby to conceal her being at Guiney."[1]

[1] Col. Ent. Bk., I, 34-39.

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In May, 1677, another letter reveals similar proceedings. An interloper had arrived belonging to Judge Sharpe, chief judge of the "best court" in the island, Mr. John Worsam, one of his assistants, Maj. John Hallet, another assistant, Philip Cheeke, and Roger Cowley, a commissioner of the customs. This encouraged others, "seeing those that sitt in greate places & live by the king's Commissions prsume to act against the king's grants, they being chiefly concerned to oppose and punish such as prsume to act as they doe." This ship brought 98 negroes from the Bite, and few or no elephants' teeth. On advice of her arrival the agents made all possible haste to the place where she was landing the negroes, but it was 12 miles distant, and they found the negroes all landed and carried into Col. Richard Bailey's plantation, which lay so close to the landing that "they are no sooner ashore than in it." On the 16th of June the arrival of another interloper, with 120 negroes, was noted, also from the Bite. They were landed on the back part of the island before the company's factors had notice. The factors were on the company's ship all day selling negroes, and the men they had employed to give notice were beaten and wounded without cause.[1]

In July, 1680, the factors at Nevis reported that "Thornbury an Interloper —came to an anchor 1½ legue to windward of the Fort the 15th. June & there rid 4 or 5 days in Sight of all the Island till he had landed his negroes to whom boates from the Shore & Ships went to and against very frequent." A warrant was issued directing the marshal "to sease said Ship & Negroes & to bring them under Command which was delivered to him that afternoon who promised to doe itt with all speed butt instead thereof went out of the way & never did itt." And further,

the 16th. day about Sunn sett, they brought from said Ship about 80 negroes in a Sloope and landed them in Stanley-bay where wee endeavoured to seize them butt was prevented p. Mr. Philip Lee Speaker of the Assembly who first drew his Sword and bid defiance to any that would seize them, together with Mr. Richard Cary, Thomas Belchamber Ltt. John Lockwell, Ens. John Standley & one Austerman, all Standing with their Swords pointing to our breast and Some their Pistolls, swearing bitterly that they would kill that man that would offer to seize a negro there notwithstanding they had at that very Instant the Generalls order read to them wherein he Comanded all his Comd Officers to assist us in the seizeing of those negroes of which they would take no Notice, but instead of

[1] Col. Pap., XL, No. 90.

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obeying the same they with about 20 saylers and privateers accompanying them with their Swords drawne kept us from making any Seizure on them, saying that they had bought them and would land them if they died for itt, and what they did they would maintaine with their lives and fortunes of which the next day wee acquainted the Generall who gave us this answer that he knew no law to punish them for itt but would acquaint the king thereof.[1]

On June 18, 1682, Governor William Stapleton wrote from Nevis to the Lords of Trade:

On Monday, the 5th. instant, the ship *Providence*, of London, whereof George Nauton was master, was seen tacking off and on in sight of us all towards this roadstead, and in the end stearing towards Statia. Captain Billop, of the *Deptford*, set sail after her, and, on firing a shot across her forefoot, to his great surprise he found his fire returned, with the result already told. After preparation for action he summoned her to submit, and on refusal boarded her, and his men called cruel rogues and pirates for their pains. I cannot yet get all the necessary affidavits drawn owing to the neglect of Captain Billop, who has hindered his men from coming forward, to prevent the discovery of the embezzlement by himself and his men of negroes' goods and African merchandise. * * * Billop went down to St. Christopher's, though the wind was northerly, and as fair for his voyage hither, as thither; he then stayed there five days without giving me the least account of his proceedings, apparently not thinking me worthy the apprisal of the death of one of the King's subjects and the wounding of others. After trying and condemning the ship's goods according to the Company's charter and the King's proclamation, I commissioned three gentlemen of the Council and a justice of the peace to examine Captain Billop and the warrant officers and seamen of the ketch respecting the embezzlement of ivory, red wood, copperas, wax, and all other African commodities. How they have been slighted shall appear under their own hands. Of two hundred and fifteen negroes imported hither Billop and his men have conveyed away all but eighty-four of the worst and twelve infected with smallpox, besides eight or nine killed, to say nothing of three or four mllns (sic) of elephant's teeth, of which he gives no account, not being satisfied with the fourth share allowed him by the Royal African Company. I have taken no part directly nor indirectly in the division of the charter, * * * but if I allowed so palpable a fraud to pass, I might be justly suspected of connivance in the embezzlement of confiscated goods before adjudication.[2]

Proclamations, instructions to governors, reprimands, orders in council were of no avail to stop such practices. The royal officers might possess all the good intention in the world; they had not the power to stop the traffic, and of their good intent it is evidently not best to speak in too confident terms. Governor Atkins said that, once landed, one negro

[1] Col. Pap., XLV, No. 57.
[2] Col. Cal., 1681-1685, No. 572.

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was like another, and that all the diligence in the world could not prevent landing negroes in the night or in out-of-the-way places. And, the governor adds, it is hard to get men to take them, for they (the smugglers) fight.[1]

However, this appears to have been the period in which the interloping trade was most nearly crushed. The letters of the agents indicate that they were active in the company's service, and their vigilance, the support of the Crown, what aid the governors could and would give,[2] the friendly character of the relations with the Dutch,[3] the opening of other lines of trade for the lawless skippers,[4] the fact that the interlopers had to pay higher wages to seamen, higher prices for goods, and run greater risks of losses[5] than the company, made it impossible for them to sell their negroes at rates that were more advantageous than the company's. In fact, the agent Stede said he was underselling the interlopers.[6] The company was really trying to make it worth the planters' while to purchase of them and to make prompt payments.

In September, 1676, the governor of Barbados communicated to the assembly a paper in relation to the African Company's offer to furnish negroes at fixed rates. The paper stated that, in addition to the company's offer in their printed declarations, they would consign, either in great ships or small, from the Gold Coast, Ardra, the Bite, and Angola. They were attempting to adapt their business to the planters' needs. They would also give three and six months' credit, a discount for cash payments, and the rate of 6 per cent allowed on any money coming into their hands before the expiration of the term of credit. The company would receive sugar or any other goods of the planters and sell them by the candle without charging for the sale. They would, furthermore, try to induce the Spaniards to come to Barbados and buy blacks. They would sell slaves at £15 per head,[7] presumably in lots. To this fair and businesslike proposition the assembly made no direct answer, but evaded the ques-

[1] Col. Pap., XL, No. 47
[2] Ibid.
[3] Col. Cal., 1677-1680, No. 31.
[4] Ibid., 1675-1676, No. 959
[5] Col. Pap., XL, No. 47.
[6] Letter cited above, Col. Ent. Bk., I, pp. 34-39.
[7] Col. Ent. Bk., XIII, p. 234.

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tion. In fact, it was not a matter in which the assembly had any authority to act. The purchasers of slaves were individual planters, whose ability and inclination to pay corresponded to their circumstances and natures. The assembly served as an excellent mouthpiece for the planter's complaints, but it committed him to very little.

III.

THE ROYAL AFRICAN COMPANY VERSUS THE PLANTATIONS.

The case of the plantations was set forth in memorials and petitions and by agents sent to England. The vigorous attempts of the company to check all interloping reacted disastrously upon the planters as well as upon the smugglers, but this simply served to change the aspect of the contest, not to stop it. The company had long complained of the plantations. The plantations now began to attack the company.

In 1676, the council and assembly of Barbados made out a statement of their case, which took the form of a petition and a paper of grievances, one article of which related to the Royal African Company:

> Secondly Whereas the product of this your Maties. Island depends upon the labour of Negro Slaves (of whom wee need a great continual supply, and without whom wee cannot subsist) the Royal African Compa. (to whom your maty hath been pleas'd to grant the sole selling of these Slaves) doe supply us very scantly with them, and their price is become excessive. Wee are well assured that your Maty established that Compa. to enable them to buy cheaper of the African Infidels, and not to enable them to sell dearer to your own subjects. And doubtless they might afford them much cheaper than can bee done in open Trade. But contrariwise whereas, before the erection of the Royal Compa. the usual price of able Negroes in this Country was about sixteen pounds p. head, they are now sold for twenty, and two and twenty, which rates wee can ill afford to give, our Land being worn out, our Commodities being low, and great Duties upon them; but necessity inforceth us to give whatever is demanded though considering the small wages they yearn, and the many casualties that attend them, wee cannot reasonably hope they should ever work out their price, soe that buying of Negroes, at these rates must, in a short time exhaust and undoe us. And whereas the Royal Compa. doe now offer us Negroes, at fifteen pounds p. head one with another. Wee hold it much worse than to give them their price of two and twenty pounds for good Negroes.
>
> In former times wee were plentifully furnisht with Christian servants from England and Scotland, but now wee can get few English, * * *

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nor have we any Scotch servants, in regard our intercourse with that kingdom wholly cut off by ye Act of Navigation, * * * and for Irish servants wee find them of small value; our whole dependence therefore is upon Negroes. And unless Your Matie bee graciously pleased to vouchsafe us yr. effectual care and favor, some of us must bee undone by buying them, and the rest by wanting them. And a considerable part of this once flourishing Island will soon lye unwrought and deserted for want of hands, to ye utter ruine of Your Poor subjects in these parts, the destruction of the sugar trade, and the great diminution of Your Maties. Customs both here and in England.[1]

To such statements, of course, the Royal African Company was forced to reply. It said:

This Compa. hath been setled little above four yeares, in the two first whereof Navigation was obstructed by the Dutch Warr, and the general Imbargoes laid on all Ships. Yet wee were not wanting in our applications to his Maty. who thereupon graciously permitted us to send forth seven ships, to carry soldiers, ammunition, provisions, &C. to preserve the Forts and ffactories in Guinea, whence they proceeded, with Negroes, to the several Plantacons and four of them to the Barbadoes.

The third yeare; when the warr was ended ye Company did more vigorously prosecute their Trade, making it their particular care to furnish all the Plantacons with a plentifull supply of Negro servents, and that yeare sent out Fifteen Ships to ye Coast of Africa, and thence ordered Six of them to the Island of Barbadoes with about two thousand Negros, which their Factors disposed of, at several rates, as ye market would give leave, many of them at much lower price than was usual before this Company was established.

And the last year, for a farther supply they sent out twenty Shipe more in Africa, and have appointed eight of them, with about three thousand Negros, to Barbadoes, which, by this time, wee may reasonably beleeve are, for the most part, arrived, and the rest on their way thither.

And Whereas they are pleas'd to allege that wee have sold our Negroes at 20, and 22£ p. head: for your Lops. more right information therein, wee have examined our Books and the Accounts of Sales of all the Negros so sold by our Factors out of each particular ship, and find they come out at a much lower rate, vizt. about 15£ per head.

And by our last letters thence there remained owing to us about £25000 sterling, besides what the said 3000 Negros, (designed thither last year) may sell for, which may swell our debt there to bee in a short time, to 70000 sterl. or more.

And for this present year the Compa. have already sent some Ships, and are now actually freighting others, intending them and ye other Plantacons constant and large supplys.

By which wee hope your Lops may bee satisfyed what little reason they have to complain: And wee beleeve they would not have complained but to prevent our Complaint against them.[2]

[1] Col. Ent. Bk., I, 43–44. [2] Ibid., I, 45–47.

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On further investigation and the presentations of accounts of shipments, the agent for Barbados, Colonel Thornbury, confessed that the island was well enough supplied with negroes, and that the complaint was made at a time when the Dutch war had occasioned their scarcity.[1] The result of this was, of course, more favorable to the company than to the plantations, and a letter was sent to Governor Atkins reprimanding him for promoting complaints and charges twelve months after their grounds were removed.[2]

This did not end the contest, but caused the planters to resort to another expedient. Edwin Stede, the agent of the company at Barbados, seized the *Anne of Barbados* and her lading of negroes imported thither, contrary to the charter of the company. James Vaughan, Bernard Scenchingh, and Arthur Middleton brought an action against the company's agent, grounded on the statute of monopolies, for the recovery of treble damages for seizing goods imported contrary to the privileges of the Royal African Company. The opinions of the board of trade, His Majesty's attorney, and the solicitor-general concurred in favor of the company, that no action could lie upon that statute against the company or their agents for any matter done in pursuance of their charter, since the proviso of that statute exempted any charter granted to any society of merchants for the maintenance or ordering of trade. Orders in council were taken thereon the 24th of November, 1676, and the commissioners for trade and plantations were directed to insert a clause in a letter to Jno. Atkins reprimanding him for suffering the action to be commenced.[3]

In Jamaica, in the same year, a test case was made of the *St. George*. The statement of the case was this: The King, by letters patent, had granted to the Royal African Company the sole trade to Africa, with power to make seizures and confiscate interloping ships. The King afterwards, by letters patent, granted to the planters for their encouragement certain privileges, among which was that of making laws. The *St. George*, an English vessel fitted out from London, arrived near Jamaica laden with negroes from Angola. The factors of the company pursued and seized her March 8, 1675, on the

[1] Col. Ent. Bk., 49.
[2] Ibid., 60 ff.
[3] Ibid., I, pp. 53-58; Col. Pap., XXXVIII, Nos. 60, 61, 62, 69.

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high seas, as they supposed, and in the jurisdiction of the Admiralty, and brought her to Port Royal. The owners were cited to the Admiralty for the condemnation and forfeiture.

On the 23rd. Symon Musgrave, Proctor for James Alford gave a declinatory Plea to the Jurisdiction of the Court, alledging, ffirst, that the said Shippe was not seized super altum Mare, but in the Port or Haven, of Old Harbor within the parish of St. Dorothy's, infra corpus comitatus, aut insulam praedictam, and therefore not of the proper Cognizance of the Court of Admiralty, by reason of the Statute 15 R. II, cap. 3. That his Majesty's grant to the Royall Company and by the 21 Jacobi cap. 3 is try able onely by the Common Law, and not otherwise, wherefore he prayed that the case might be dismissed, and it was dismissed accordingly, and the said Alford was put into possession of the Shipp and Negros, by virtue of a Replevin and a Tryall ordered to be at Common Law.

His Majesty expressed dissatisfaction with the admission of the pretended plea declining the admiral's jurisdiction, and the questioning of the charter as a monopoly. The opinion of the attorney-general was that the first letters patent could not be altered or abridged by any subsequent grant, and therefore no act of assembly derivative from the second could prejudice the prior grant. The inhabitants were entitled to the laws of England only by the grace and grant of the King. Further, it was not in the power of the governor, council, and assembly of Jamaica to make the high seas part of a parish, and so deprive the lord admiral of his jurisdiction, as was attempted by their act of April 26, 1675.[1]

So far, the company was again the winner. In the legal aspects of its case it stood completely vindicated, but this did not stop the smuggling by the planters or make them pay their debts. In the following January the company was again a petitioner to His Majesty. The effects of the King's orders in council of December 20, 1672, and September 4, 1674, had been to make the loose traders more careful, by entering at the customs-house the goods intended for the African trade, for other places, having at the same time other ships fitting out to take in the goods at sea, or at some convenient port, and then proceed for the coast of Africa.[2] Ships intending for this trade were sometimes entered for the Canaries,[3] which could be made a stopping place on the way to Cape Verde.

[1] Col. Pap., XXXVII, Nos. 21, 31, 32.
[2] Col. Ent. Bk., I, 67 ff.
[3] Ibid., 70 ff.

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On the coast of Africa one ship was as good as another. A petition of May 4, 1677, relates that George Parris and John Howe in the previous November anchored before the castle at Cape Corso, out of reach of the guns, insolently refused to obey the agent's orders, said if they were interrupted in their trade they would fight, and emphasized their meaning by shooting at the company's messengers.[1] It was charged by the factors in the West Indies that the company's own agents on the coast sometimes aided the interlopers. The agent at Wyamba, for example, furnished in one instance one hundred and odd negroes to an interloper and was reported to be a general dealer with them,[2] a state of things defeating the company's interests in the very place where they should have been most jealously guarded.

In the West Indies nobody cared for the company. The above vessels that were so insolent on the African coast arrived in safety at Barbados, landed their negroes, and publicly sold them at the plantation of one Robert Rich, countenanced by the chief justice of the island, who was a part owner and employer of the ship. The governor said, on complaint being made to him, that he would seize the ships when due proof could be made.[3] What would have been "due proof" in Barbados?

In Jamaica the fight continued. Petitions were again the weapons. On November 4, 1680, a petition was read, stating the things desired for the further settlement and well being of the island. Concerning the regulating of the negro traffic the petition said:

> The Inhabitants only pray that the foundation of the Patent may bee kept which they conceive was that the Compa. would improve the Trade by fully furnishing and at moderate rates: As to quantity its' supposed 3 or 4000 every year would sell and every year more and more; As to the price 16 or 17£ per head for lotts; (in which are no refuse Negros) at six months credit which rate the Compa. cannot in reason find fault with seeing many affirm they seldom cost the Compa. above, but offten under the moyety of that price, and others (if permitted) would furnish fully at £14 a head. If the said Compa. shall object that the Island hath always had more than they could pay for: Its truly answered that that ye Compa. ruine their own Chapmen by selling at such rates and taking 20 p cent ye first six months and 15 after that its hard for the poor planter ever to pay.

[1] Col. Ent. Bk., 69. [2] Ibid., 34 ff. [3] Ibid., 69–70.

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And its well for the said Compa. (if ever paid) that the Island is in their debt, and ye Islanders are under noe great obligations to the Company for biting and devouring them by such unreasonable and unconscionable dealing.

The said Compa. doe likewise put his Maty. to great expences by ffrigants to protect their Trade to the ruine and diminishing His Customs, Trade and Navigation seeing each Negro at work in the Colonies produceth to his Maty. 10 s. (and most affirm 15 s) per ann Custome, or else his Master cannot bee enabled to pay for him.

Alsoe Governors and Commanders of Ships &C in obeying Orders in favor of the Compa. are under many difficulties as lawsuits, &C.

Wherefore its' hoped your Lops, will pray his Maty. to soe regulate the said Trade that they may not only deserve his Royal protection but that of an Act of Parliament (if needful) alsoe. And that instead of giving any Instruction to the Commander in chief upon Jamaica to favor the said Royal Compa. hee may bee instructed not to suffer them (out of revenge for discovering their abuses to the King, Kingdom and Colonies) to ruine the Planters by hasty calling in their debts, seeing they receive soe great Interest for forbearance and have hitherto been too hard for all other Interests.[1]

And on the same day were also read certain—

Reasons humbly offered to ye Right Honble. the Lords of his Maty's Privy Council of ye Committee of Plantations, Shewing the great loss that accrues to his Maty. in his Revenues and his subjects both at home and in his Plantations abroad by the Royal Compa. ingrossing the sole Trade of Africa confining it to the narrow joynt stock of little more than one hundred thousand pounds, excluding all other his Maty's subjects both at home and abroad to their great detriments and threatened ruine.

The significance of this paper lies not so much in new arguments as in the combination that it reveals for the first time between the plantations and those who were fighting the company in England. After dwelling on the great and unsatisfied need of the island for negroes and the exorbitant rates charged by the company for those they did furnish, and the excessive interest of 15 per cent charged if the planters failed to meet their payments on expiration of the short credit of six months, the paper went over the general grounds of injury done to the nation by confining the trade to a company.

It hinders greatly the increase of Seamen and discourageth Navigation since when the Trade was open there went to the Coast of Guiney more than twice as many Ships annually as there hath gone since managed by the Royal Compa. with a joint stock wch. is manifestly a National Injury.

[1] Col. Ent.Bk., I, 81–83.

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Thus the argument that had been made a ground for granting the charters was turned at length into a weapon against them. But this was not all.

Since the Trade of Guiney was managed by the Royal Compa. and that to a narrow joint stock of one hundred thousand pounds, His Maty's numerous subjects that labor in the woolen Manufactures of Sayes, Perpetuanos &C are many of them totally ruined and others brought under a consumption in their Estates thither tending; Since when the Trade was open that they brought their goods to Town they found a ready sale by a multitude of Buyers and returned home with their mony to the support of their families, whereas now for the Compa. there is but one buyer, and they must bring goods of such a length, breadth and weight, and which is worse, sell them at the Company's own price which the people are constrained to doe to provide bread for their familys though in the issue to their ruine. Nor doth the Compa. export one quarter part of those Woolen and others Manufactures, especially Sayes, perpetuanos and Serges, which are the chief commoditys sent thither, as hath been and would bee if this Trade were free. Soe that it is manifest this Guiney Trade driven by joynt Stock is absolutely opposite and destructive to those right ends of a National good as was pretended at first by this Company.

And carrying the argument further:

It may bee considered that when any small party of men doe get a Grant or Patent from his Maty. that doth and will cause the ruine of his Maty's subject and bee a hindrance of the increase of his Majesty's Dominions and of Shipping and Navigation and lessen his Customs and Revenues, assuredly they are not his Maty's friends, but only pretend to bee soe. * * * It may be considered that the said Company neither by their valor, counsel, nor estates have added any thing to the increase, support and maintenance of any of his Matys. Dominions, but on the contrary &C. It may bee considered, whereas the Planters of Jamaica have laid out six times more than Companys stock in settling the said Island, and that it is by their industry, labor and pains brought to what it now is. * * * It may bee considered that the great managers and promoters of said Compa. are those that are extremely moved to it for the love of their fortunes etc. For Redress of ye foregoing mischiefs and prevention thereof for the future Wee humbly offer this expedient to your Lops. That the trade of Guiney may bee left open and free under such a Regulation in a National joynt stock whereinto any of his Matie's subjects may at any time bee admitted to Trade in some sort like the Turkey Company with their stocks apart.[1]

The importance of this line of argument can hardly be overestimated, for it marks a revolution against the old ideas that trade needed rules to be successfully conducted, and asserts that in theory as well as conduct the African company was wrong. To meet such attacks the company went back to

[1] Col. Ent. Bk., I, 83-87.

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authority and precedent. To meet the charges in such papers as the one preceding this was not a hard matter, for it needed only a disclosure of the company's accounts to show how delinquent the islands were in paying, and rob their petition of much of its weight.

The state of the company's accounts was sufficient to indicate that they were on the road to ruin. In 1680 the West India debts were as follows:

AT JAMAICA.	
Up to August 10, 1679	£45,591. 01. 10
Accounts sales of eight cargoes since	21,527. 00. 00
Six cargoes sent for Jamaica, 3,000 slaves, at £17	51,000. 00. 00
	118,118. 01. 10
AT BARBADOS.	
Up to December 31, 1679	35,629. 11. 04
Accounts sales of five cargoes since	14,012. 11. 02
Six cargoes sent for Barbados, 3,090 slaves, at £15	46,350. 00. 00
	95,992. 02. 06
AT NEVIS, MONTSERRAT, ANTEGO, ST. CHRISTOPHER'S.	
Up to July 30, 1680 (5,774,963 pounds sugar)	36,093. 10. 04
Six cargoes sent about 1,300 slaves, at £16	20,800. 00. 00
	56,893. 10. 04
Total West India indebtedness	271,003. 14. 08

Of the Jamaica account some £7,000 was received before the above statement was rendered, and of the Barbados account about £4,700.[1]

The company naturally made the most of such facts as these in combating the arguments of the planters. The committee for trade and plantations, after reading the papers presented by both sides and having examined witnesses, reported that they found the Royal African Company willing to comply with such directions as His Majesty should give for the regulating of the negro trade and for supplying the plantations in sufficient amounts. They recommended therefore that the company be directed to send 3,000 merchantable negroes yearly to Jamaica, provided they had good payment for their

[1] State of the R. A. Co.'s debts, Col. Ent. Bk., I, 87, 88.

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debts contracted there, and that they sell the same at £18 per head at that island, on six months' time with good security; that they likewise take good care that the other plantations be well supplied, especially St. Christopher's and Montserrat. His Majesty ordered that the company, as well as all concerned, govern themselves according to the report.[1] So this phase of the contest was supposed to be settled. But no conditions were altered, and both parties continued to do as before.

It is not surprising, therefore, that further petitions appeared in 1683. Again the planters took the initiative. The complaint was from the Jamaica planters and merchants, and was made on the ground that the company had not fulfilled its orders.[2] The reply of the company shows what the islands had been doing. The planters, thinking to make the most of their case, had seized on the provision that bound the company, and made a law limiting the price of negroes to £18 per head, hoping doubtless that His Majesty's approval would perpetuate the same. The Royal African Company of course appeared against such a measure, and, after several hearings of both parties, it remained suspended.[3] At the time that the orders of council met the company's approval, in 1680, the terms were such as to give them some advantage in the trade. Owing to changed conditions, however, it was not long before all profit was gone. The increasing resort of interloping ships in a measure produced the change, raising the price of negroes on the coast one-third, and in some cases one-half, over the price in the latter price of 1680. Many times the company found it difficult to procure negroes at all. The result was that although the provision from London of goods and shipping for the trade was made for the full amount, on the basis of former years, the actual returns fell considerably short of the required number. The additional expense of a ship's lying for several months for a cargo, and perhaps then proceeding with only half her lading, was the same in effect as paying a higher price for the negroes and freight. The mortality, too, ran exceedingly high, in some cases not one-

[1] Ibid., pp. 89, 90.

[2] Col. Ent. Bk., I, pp. 94, 95. From March, 1681, to October, 1683, 8,500 negroes were contracted for, but only 3,020 delivered. Col. Cal., 1681–1685, No. 1347.

[3] Col. Ent. Bk., I, p. 96.

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half, in others not one-third of the negroes living to be landed in the West Indies.[1] In 1680, the usual mortality was estimated at 25 per cent, the first cost £5 per head, and the freight about £4.15. The maintenance of the forts cost then £20,000 a year.[2] A change in all of these items, all working the same way, against the company, was sufficient to change its anticipated profit into a loss. The stock had not so much as paid interest to its holders.

For this reason, as well as others, the company sought to be released from the order requiring them to supply 3,000 slaves a year at a fixed price. In other words, when it was the exclusive possessor of the trading rights to Africa it required for itself, to be successful, freedom from every restraint and obligation. On the other hand, the company stood ready to prove how erroneous was the opinion that the restrictions should all be removed and the trade thrown entirely open. It was pointed out, and quite correctly, that the company, although having the sole trade in negroes, could not set whatever price it might choose, "for Negros are not only very perishable and chargeable in our hands, but it is wholly unpracticable to keep any quantitys many days unsold, but wee must take for them what wee can get." The necessity of forts was argued from the example of other nations, who had them. This made necessary a joint stock, and the case was proved. The success of the interlopers in getting trade did not justify one in supposing that this would continue if the company should cease to exist.[3] Thus, the company, while trying to stop all interloping, made its existence an argument for a continuance of exclusive rights.

The plantations had not reformed in the matter of payment of debts, and, what made matters worse, at Jamaica they insisted that their light money should pass, "else noe payments." This amounted to a scaling down of the price of negroes below the figure set in the orders of council, although they nominally remained at the rame rate. The company naturally protested. It made no difference if payments were made in goods, since they followed the money in being overrated. These facts operated somewhat curiously in keeping

[1] Col. Ent. Bk., I, p. 96, ff. [2] Ibid., p. 106, ff. [3] Ibid., p. 96, ff.

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the trade away from Jamaica. The company ordered ships thither to fulfill their obligations, although aware of the unfavorable conditions, but the captains, who received in negroes their pay for freight, which they had to sell at the port to which they sailed, flatly refused oftentimes to go to Jamaica, but took a port that offered a more favorable market.[1]

In view of all the circumstances, it was recommended that the order of council and the act of Jamaica concerning the supply and rates of negroes be repealed, and that the Royal African Company, in lieu thereof, be obliged to furnish the island with 5,000 slaves for the first year and 3,000 yearly thereafter, and that the company and His Majesty's officers in the island be encouraged in the recovery of the company's debts, the restraint of interlopers, etc.[2] The order was taken April 12, 1684,[3] the previous order being at the same time repealed, with the act of Jamaica for regulating the price of negroes. The assembly of Jamaica was to pass an act to discourage interlopers.[4] These conditions were worse than ever, altogether too hard for the company to meet, and in about a month it prayed to be released from them, on the grounds that they did not represent the intent and meaning of the Lords of Trade. The matter was referred to the Lords of Trade again, and it was reported that the company should for the first year furnish 3,000 negroes, and thereafter as the act to be passed in Jamaica should direct.[5]

In October, 1686, the Royal African Company presented a petition to His Majesty, stating the difficulties under which it had labored for several years to support the forts and factories, and keep the trade from going to the Dutch and other nations, and that owing to the injuries done by interlopers no benefit had been reaped from the trade. The plantations possessed so many remote ports, and the negroes were so clandestinely landed, that all punishment was avoided. This petition sought an order from His Majesty instructing the governors of the several plantations that they, upon due information against any interlopers or purchasers of negroes so brought, on being duly convicted, might be severely punished by fines and imprisonments as their crimes deserved. The request was

[1] Col. Ent. Bk., I, pp. 96–105.
[2] Ibid., 105–106.
[3] Ibid., 109.
[4] Ibid., 110–112.
[5] Ibid, 115–117.

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granted, and a clause inserted in the instructions to the governors of the several plantations.[1]

In addition to other losses the company was continually bled by its own servants. A petition to the lords of the treasury on March 22, 1698,

> Sheweth, That your Peticoners were possest of divers Debentures for goods exported by them in the years 1685, 1686, 1687 which Debentures by the evil practices of their Treasurer & Servants were concealed from them, in order to defraud them thereof, and receive the money from the Custom House.[2]

Goods were discovered on board ships laden for the private trade of the masters. The amounts were not heavy, but ran from a few pounds in value up to £50 or so, the goods being knives, spirits, pewter, etc. The steal was doubtless continued during the entire voyage, for the waiters made depositions of negroes carried by the masters on their own account, as well as of these goods. The negroes were—sometimes at least—privately landed, sold to the Spanish, or disposed of in clandestine ways.[3] The master could lay in a stock of good trading stuff in England, make 100 per cent profit on it in Africa, buy negroes and carry freight free to the plantations, sell at high rates, for his negroes would always be choice ones, and, if he chose, buy a return cargo with the proceeds, on which he stood a chance for a third handsome profit.

The Jamaicans, replying to the company's charges of bad debts in the island, said:

> Great part of the company's stock, said to be at Jamaica, is in their late factor's hands (who converted it to their own use) and in bad debts, which they corruptly contracted with men of mean or no estates when they might have found better customers. Other part thereof was lost by agents who only kept accounts in their heads or pockets, or employed bookkeepers who omitted to give credit for moneys received, or mischarged whole batches of negroes and forged bonds to save themselves. It is therefore presumed that the company has not above half the sum that it names really in the planters' hands. The company has simply mismanaged its business.[4]

From this study, which has revealed only one phase of a long-continued contest, we are enabled to draw certain conclusions.

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[1] Col. Ent. Bk., 117–122.
[2] Treas. Pap., LX, No. 71, note.
[3] R. A. Co. Black Book, 1685–1702.
[4] Col. Cal., 1681–1685, No. 209.

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The Royal African Company, sole legitimate agent of the slave trade, in full legal possession of every charter right it desired, supported by the sovereignty of the state in England, Africa, and the West Indies, technically vindicated in every contest that could be brought to an issue, was failing. It was no case of bubble bursting. There was value passing in every exchange. There were vested interests, manufacturing industries, fleets, trading posts, and an army of agents back of the concern. Its article of trade was in unceasing demand. The best minds of the day were busy in its behalf, intent on securing a proper ordering of the trade, and yet, acting on the standard theories and policy of its time, this company succumbed to the incessant attacks of individual traders, proceeding independently of everything except their own interests, and acting on no "policy" at all. There was no statecraft in their business. They ran larger risks than the legitimate traffic involved, paid more for every element of cost entering into the trade, and made money out of it. It was not the business but the policy that ruined the African companies.

The chartered companies began their existence on principles inconsistent with the development of world commerce. They stood for a restrictive and not for an expansive policy, and were against the movement of their age. The conditions of the companies' structure could not be made to fit the needs of the trade, and so the new conditions of trade must be made to conform to the needs of the companies. This is the real meaning of the charters; trade existed for the companies instead of companies for the trade. Such a philosophy of trade meant that regulation must take the place of adaptation, and compulsion that of adjustment. The system of companies was therefore a system of control. There was no part of commerce in which it might not interfere. This meant that with every extension of trade the burdens of the system increased. With every extension of trade came inducements to everyone not inside the companies to encroach upon and violate their rights. The system of control once begun could never be stopped at any point without abandoning it wholly as a system. The elements with which the system dealt were elements that could not be controlled, and so every reaction wrought disastrous results. In attempting to carry out its policy the Government forced upon its colonies a labor system

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that put them on a basis economically bad, and produced a social order pernicious in the extreme; it was forced to make assumptions that became causes of foreign complications and wars, which consumed revenue instead of creating it, dismantled and devastated the plantations, and injured trade. The companies never failed to be a burden of expense and trouble to the Government, and an unending drain upon its resources. Not one of the results which the companies set out to attain was accomplished. The companies were ruined; the Government incurred enormous expenses; the plantations were impeded by deficient supplies of labor, and the home markets were hampered by restricted trade.

On the other hand, the companies did not succeed in carrying out a single one of the prohibitive articles of their creed. It was impossible for them to perfect an organization that could accomplish the task, and the organization with which they attempted to accomplish it was based on a wrong principle. To secure the trade for themselves and to prevent all others from securing it was the joint undertaking. Proceeding on the theories they held, the companies required immense advances of capital for ships, sailors, factories, agents, and goods. They had to pay customs on their traffic; they bound themselves to supply the plantations with negroes at fixed rates; they pledged themselves to keep foreign rivals from securing the trade; and they had to prevent interloping by their own countrymen, both as illicit buyers in Africa and sellers in the West Indies. They must police the sea. Illicit trade paid no duty and laid itself under obligations to no one. The illicit traders were not a corporation, but they were a body that never died. In Africa the natives would assist those buyers whose goods, terms, and conduct pleased them best; and in America the planters would assist smugglers if they would undersell the companies. In both places many small vessels could elude capture. Nature assisted the evaders of the law with many little creeks, ports, and coves. Violence sometimes rescued the offenders when caught, and legal redress was so slow that a company's business might be ruined before the remedy could be applied. The companies had to pay higher prices in Africa than the illicit traders; they lost more negroes in the "middle passage;" they sold on poorer terms in the plantations. To insure success the companies needed

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in the conduct of their business intelligence superior to that of their opponents, with activity and faithfulness to match it.

The system on which the organization of the companies was based was one in which men must be trusted at every point. The companies were at the mercy of their servants, yet they had not a position to offer in which a man could not make more by violating his trust than by keeping it. The play of interests was such as not to check, but to foster corruption, for nowhere in the concern was there a man whose interest was identical with that of the company. The Royal African Company could not enforce a system of bookkeeping in Africa that was intelligible in London. It did not even know the exchange between that city and the coast. In the plantations the fate of the business hung also in the factors' hands. Everything that needed to be done must depend for its execution on the agents, and the company could have no guaranty that it was done at all, for the same men who must do the business gave the vouchers. The extravagance of the expenditures was colossal; peculations of the servants were constant; the losses by sea and by land were large; the receipts from sales were long delayed and diminished by costs of collection and other causes; the encroachments of illicit traders never ceased. There were leakages at every point of the business. The profits had been squeezed out of every transaction before it was allowed to leave the hands of the operator.

To have endured, the system of chartered companies must have been self-sufficing. A system that produces all it consumes can exist, whether it be in corporative control or not. But the Royal African Company was not a producer; it made nothing; it took upon itself a function characteristic of modern economic organization—that of middleman. And how did it proceed? It was unaware of its own function in the industrial system; it played the rôle of a modern business man with the ideas of a mediævalist; it proceeded on a system of self-sufficiency, when interdependence and cooperation was necessary; it could not be self-sufficient because it was not a productive concern; it was not an industry, but an agent; it was a middleman or broker, depending for its support on its success in adjusting interests; it antagonized the elements on whose cooperation it must depend, and disadjusted everything it touched. Every reaction, therefore, could only be disastrous to itself.

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IX.—PLEA FOR MILITARY HISTORY.

By CHARLES FRANCIS ADAMS.

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PLEA FOR MILITARY HISTORY.[1]

By Charles Francis Adams.

I am to contribute to this occasion a paper under the title of a "Plea for Military History." To this subject I have already—more than six months ago—elsewhere alluded—in the course of an address to the Massachusetts Historical Society, on taking for the fifth time the chair as its president.

"It is scarcely an exaggeration to say that there are not many considerable branches of human knowledge concerning which the historian of the future must not in some degree inform himself. Somewhere and somehow his researches will touch upon them, remotely perhaps, but still as factors in his problem. * * * Formerly all necessary information, it was supposed, could be acquired from books; manuscripts were better yet, for those were, without any question, what are termed 'original sources.' But the old-fashioned historian, rarely, if ever, hesitating, flies boldly at every kind of game—all are fish that come to his net. For instance, history is largely made up of accounts of operations and battles on land and on sea. Weary of threading his way through a long period of most unpicturesque peace, trying to make that interesting which was at best commonplace, the historian draws a breath of relief when at length he comes to a tumult of war. Here are pride, pomp, and circumstance—a chance for descriptive power.

"The historian of the future seems now likely to pursue a different method. Recognizing the fact that he probably is not at once a littérateur, a soldier, a statesman, a lawyer, a theologian, a physician, and a biologist; that he certainly will not live forever; that he has not the cosmogony at his fingers' ends, and that to ransack every repository of information on all possible subjects transcends the powers of even the most industrious; recognizing in this degree the limits of possibility, he will be content to avail himself of the labors of others, better advised on many subjects than himself, and, becoming the student of monographs, derive the great body of his information, not, as the expression now goes, from "original sources," or even from personal observation, but, as we all in the end must, at secondhand. His insight will be largely into the knowledge and judgment of others, and the degree of reliance to be placed in them.

[1] Read at Boston meeting of the American Historical Association, December 28, 1899.

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"I know of but one writer who has described military operations and battles—those intricate movements of human pawns on a chessboard of much topographical uncertainty, and those scientific mêlées in which skill, luck, preparation, superiority of weapons, human endurance, and racial characteristics decide the question of mastery as between two marshaled mobs—I know, I was saying, of but one writer who has described battles and military operations in that realistic way which impresses me with a sense of both personal experience and literary skill. That one is Tolstoi, the Russian philosopher and novelist. His Austerlitz and Russian campaigns of Napoleon and his Sebastopol are masterpieces. A man of imagination and consummate literary capacity, he had himself served; and, curiously enough, in the same way, his compatriot, Verestchagin, has put upon canvas the sickening realism of war with a degree of force which could come only from familiarity with the cumbered field, and could by no possibility be worked up in the studio through the study of photographs, no matter how numerous, or the perusal of the accounts 'from our special correspondent,' no matter how graphic and detailed.

"I once, in a very subordinate capacity, though for a considerable period of time, was brought into close contact with warfare and saw much of military operations from within, or, as I may say, on the seamy side. Since then I have read in books of history, and other works more avowedly of fiction, many accounts of campaigns and battles; and in so doing I have been most deeply impressed with the audacity, not of soldiers, but of authors. Usually bookish men who had passed their lives in libraries, often clergymen—knowing absolutely nothing of the principles of strategy or of the details of camp life and military organization, never having seen a column on the march, or a regiment in line, or heard a hostile shot—not taking the trouble even to visit the scene of operations or to study its topography, wholly unacquainted with the national characteristics of the combatants—these 'bookish theoricks' substitute their imaginations for realities, and in the result display much the same real acquaintance with the subject which would be expected from a physician or an artist who undertook to treat of difficult problems in astronomy or mechanics. They are strongly suggestive of the good Dr. Goldsmith and his 'Animated Nature.' Once or twice I have had occasion to follow these authorities—authors of standard historical works—and in so doing have familiarized myself with the topography of the scenes they described and worked down, as best I could, into the characters of those in command, and what are known as the 'original sources' of information as to their plans and the course of operations. The result has uniformly been a distinct accession of historical skepticism."

I come now to the true occasion of my being here to-day. Having a year ago passed this general censure upon "bookish theoricks," I happily bethought me of a friend of a lifetime to whom it was possible what I had said might be assumed to apply. I refer to the late John Codman Ropes. I therefore added this qualifying sentence, and I now greatly rejoice that it occurred to me so to do; for Mr. Ropes

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was present when I spoke the words I have quoted, having done me the compliment that day to leave his office that he might listen to me. The qualifying sentence was as follows:

> That among men of the closet and the historical laboratory are to be found military students of profound, detailed knowledge and great critical acumen, no one would dispute; least of all we, with at least one brilliant and recognized exemplar in our own ranks—a man who never saw an army in movement or a stricken field, and yet whom I once heard referred to by one who had borne a part in fifty fights, the general then commanding our army, as the first among living military critics.

The hearty applause with which the audience received these words showed that the allusion was understood, and Mr. Ropes did not fail, later on, to express the gratification the incident afforded him. Not yet a month ago, at midnight on the 29th–30th of November last, he died. As I have already said, the friendship which existed between us was almost lifelong. Nearly fifty years ago we were students together at Harvard, though not classmates, and my intimacy with him and my feeling of high regard for him had increased with each passing year. In my existence his death has left a void which can not be filled. That is a small matter and personal only; but, so far as the study of military history is concerned, especially in connection with our civil war, the loss occasioned by his death is scarcely less great. The work Mr. Ropes was engaged on must remain unfinished; for the second of his four volumes was published less than a year ago, and of the third volume the beginning only had been prepared. He had brought down his narrative to the battle of Fredericksburg on one side and that of Murfreesboro on the other, following, as he did, the large strategic lines of the conflict only, and paying little attention to those minor operations, almost innumerable, which did not greatly affect the grand result. It was General Schofield, then commanding the armies of the United States, who, in a conversation I had with him more than ten years ago, referred to Mr. Ropes in the language I have quoted, as the first of living military critics. And now, standing here among historical writers, students, and investigators, speaking over the scarcely closed grave of the man, the student, and the friend, I bear such witness as I may to the fact that in my judgment General Schofield in this remark was not guilty of exaggeration. And further let me add that, in my judgment also, so far as the history of the great struggle hereafter to be known

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as the American Confederate Rebellion is concerned, the death of Mr. Ropes, leaving his work unfinished, is to the highest class of historical research an irreparable loss. As a student of military historical problems he was, so far as my knowledge of such goes, almost unique. Combined with a sufficient literary skill, he had a grasp of the great principles of strategy which could hardly be bettered. His knowledge of tactics and of the details of the march and of the battlefield was, of course, defective. He, too, had never seen a column on the road or a battery in action. Accordingly, when it came to this portion of his subject he could not speak as a man can speak who has himself shared in the prolonged weariness of the march or the sharp stress of conflict. He knew as little of campaign variety as he did of camp tedium. As respects all these elements of warfare—and they have much to do with the evolution of military results; far more than most writers are apt to realize—he was obliged to have recourse to his imagination; and, while imagination is in good historical writing a most important factor, yet when imagination deals with topics of which the writer has had no practical experience it is a dangerous guide. Nevertheless, allowing for these limitations under which Mr. Ropes necessarily labored, I am free to say that in my estimation he has contributed more than any other one writer has done, or any other one writer is likely to do, to a correct historical understanding of the great military operations and strategic results of the first two years of the rebellion. I felt, therefore, that it would not have been well had this meeting of the American Historical Association gone by, the first held since his death, without bearing in its record something indicative of the high appreciation in which he and his work are by us held. But for that feeling I should not trespass on your patience to-day. I am well aware that our president has already fittingly forestalled me in this grateful task, and that mine is but a concurrent testimony on a subject concerning which little new remains to be said. That little, however, is very appropriate to my theme, for it would not be possible on this occasion to enter "A Plea for Military History" and not to feel that in doing so the name and thought of our best exponent of "military history"—he who, in fact, had with us identified himself with it—at once suggested

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themselves. In all that our president has said of Mr. Ropes I concur, and to it I have sought to add what I might.

Having thus rendered my tribute, I recur to my allotted theme, and I propose to illustrate the criticism I last spring ventured upon by references to a few of the great military operations which have left distinct marks upon American history; and, in so doing, I shall endeavor to point out how inadequately they have been treated, having, as a rule, been treated by investigators who failed to combine technical knowledge and a professional experience with literary skill. Indeed, among writers who have undertaken to deal with problems of this class we number in the whole record of the United States, so far as I know, but one striking instance, and that instance not strictly in the field of military operations. Captain Mahan has recently shown us what naval history becomes when handled by one who had himself sailed the ocean and had thoroughly familiarized himself with maritime conditions. In this I think all will agree. His work constitutes, indeed, a veritable addition to naval historical lore. It marks a new departure, and it does so for the simple reason that he did combine the two qualities I have referred to—literary skill with professional knowledge. I think it hardly less safe to say that, so far as strictly military operations are concerned, no similar American writer has yet come forward. These operations, past and present, recent and remote, have been very copiously described and almost lovingly, as altogether too patriotically, dwelt upon; they have been analyzed on paper and fought over in print more than enough, but it has been either by military men who failed to possess Captain Mahan's literary gift, or by literary men who had not shared in his professional work. The result, except in the case of Mr. Ropes, has been an inadequate and more or less unsatisfactory treatment, and even his conclusions are to a degree affected by his lack of that personal observation and familiarity bred of contact which was an essential element in the success of Captain Mahan. As Gibbon, referring to his own experience, observed in a well-remembered passage of his autobiography, "the captain of the Hampshire Grenadiers has not been useless to the historian of the Roman Empire."

Coming to my first illustration, I propose to submit a few words concerning what was the most memorable incident in

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American military annals prior to the struggle we know as the Revolution, more properly called the War of American Independence. I refer, of course, to Wolfe's capture of Quebec. It is not too much to say that the fall of Quebec led to results which have affected the whole subsequent history of the American continent and of civilization. Though not included in his selection by Professor Creasey, the short struggle on the Plains of Abraham must, therefore, unquestionably be classed among the decisive battles of the world.

In common with every boy who was taught in an American school during the first half of the century, the story of Wolfe's victory and death had been familiar to me from childhood. None the less, though I believe I have been in every other considerable city on the North American continent, with the exception, possibly, of Vera Cruz, Quebec had until last summer unaccountably escaped me. Putting a copy of Parkman's "Montcalm and Wolfe" in my bag, I went there in September last; and, while there, of course examined with no little interest the scene of the great exploit in that work described. The defects in Parkman's narrative, when studied on the spot, became at once apparent. Written by a scholar who spared no pains in preparation, the result yet showed on its face that it was the work of one who had never himself participated in military operations. It was deficient in precision; inferences were not drawn; technical expressions were incorrectly used; it lacked firmness of touch.

I was, in the first place, much surprised on examining the ground over which Wolfe's force reached the Plains of Abraham. All my preconceptions, derived from tradition and confirmed by Parkman's narrative, were at variance with the actual topography. From the descriptions, I had assumed that the path by which Wolfe's forces made their ascent was narrow and very steep, winding along the face of the cliff, and one by which men could go up only in single file, or at most by twos; or, as I have seen it described within a few days in the report of a discourse delivered here in Boston, it was an "ascent up precipitous cliffs, by means of overhanging boughs and projecting crags." On examination I found it quite another thing. In 1756 it must have been, as it now is, a declivity, steep, it is true, but not difficult, and nowhere narrow. A somewhat precipitous gorge, it then was, as it still is, wide

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and well wooded—an acclivity up which any group of athletic young men could in ten minutes easily clamber. And here comes in the technical defect of Parkman's narrative. Though he had himself, unquestionably, time and again gone over the ground, yet his account fails, as that of no trained military historian would have failed, to give the exact time of the ascent. His narrative is indeed on this important point exasperatingly vague. He says: "Towards 2 o'clock the boats cast off and fell down with the current." He then adds that "for full two hours the procession of boats steered silently down the St. Lawrence." It must, therefore, have been 4 o'clock in the morning when the landing was effected, and a small scaling party climbed the heights, "closely followed by a much larger party." Meeting with no resistance, those in the advance, the escaladers, surprised, and captured or routed, a small French outpost at the head of the ravine. Its commanding officer was in bed, and, wounded while trying to escape, was taken prisoner. The shots and shouts of those composing the scaling party notified their comrades below of their success, and the advance of the main body was at once ordered. Apparently this could not have really begun until 4.30 at least; and yet before 6 o'clock 5,000 men were in line of battle on the Plains of Abraham. Before 9 o'clock, moreover, they had also hauled up by hand at least two pieces of artillery, besides more or less camp equipage. These facts speak for themselves. Anyone who has ever participated in military movements knows that for 5,000 men, carrying their arms, ammunition, knapsacks and rations, to scale a steep ascent of at least half a mile in the short space of ninety minutes, they must have been able to swarm up, not in file, nor by twos and threes, but in a tolerably solid mass. No one, viewing the locality, would seek to detract from Wolfe's achievement—daring in conception, it was firmly executed. Throughout it showed the hand of a true soldier. But that is not in question. The point is that it was a boldly desperate, rather than a physically difficult, undertaking. Like the night assault of any place rendered by nature or art hard of access, the success of the attempt was purely a matter of surprise and defense; and at Quebec, the surprise of the defenders being perfect, the ascent presented no great obstacle. It was neither narrow nor precipitous, as was proved by the fact that within two hours artillery

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and munitions were dragged up, following 5,000 men. Provided, therefore, the much-discussed gorge was undefended, as was the case, Wolfe's famous escalade was a by no means unprecedented military operation. Even had the gorge been defended, and by a fairly adequate force, the very steepness of the ascent, as any experienced military authority would appreciate, and as we repeatedly found in our civil war, would have enabled those composing the attacking party to scale the cliff with no great degree of personal danger. The enemy from far above would almost inevitably have fired over the heads of their assailants. In such case the resistance to be effective must be determined and by an adequate force, a force moreover which does not await attack at the summit, but stubbornly contests every foot of ground from bottom to top.

Having now got Wolfe, with 5,000 men in battle array, upon the Plains of Abraham, only ninety minutes after leaving their boats, the thing which next bewildered me was why Montcalm played into his opponent's hands as he did, by hastily attacking him the next morning—risking the fate of Quebec and of Canada, not upon the result of protracted military operations but, on the cast of sudden battle. What in Montcalm's mind led to this decision? Here again the judgment of the skillful military historian would be of great value. On its face, as I stood on the Plains of Abraham, I was unable to see how Wolfe had greatly bettered his situation by getting there instead of remaining in his camp on the other side of the river, provided always his opponent availed himself to the uttermost of his advantages. The escalade was effected on the morning of September 13. Three days before, on the 10th, the uneasy British naval commanders had held a council, and decided that the lateness of the season required the fleet to leave the St. Lawrence without delay. Among the experienced French authorities some would hardly allow their opponents a week longer of campaigning weather, while Montcalm conceded them only a month. It was merely a question of a few days more or a few days less, and the French could count on the Canadian winter as a grim and irresistible ally, just as surely as did the Russians half a century later. As a matter of fact, the British fleet, delaying to the last moment in view of the success of Wolfe's operations, did not leave

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Quebec until "it was past the middle of October," as Parkman again expresses it, about five weeks after the escalade. It was, therefore, a question of prolonging the defense that amount of time only.

When the breaking of an equinoctial day revealed Wolfe securely planted on the heights west of Quebec, the outlook for him was, consequently, far from clear. It is true he had with him a force of 5,000 very reliable troops, drawn up within striking distance of the land-side defenses of Quebec; but, on the other hand, provided he was not attacked by the covering army, the lateness of the season left one course, and one only, open to him. He must endeavor to storm those defenses. And not only must he endeavor to storm fortifications in his front, but in so doing he must prepare to be attacked both on his flank and rear by an enemy who, when his detachments were all concentrated, numbered nearly double his own force, though greatly inferior to it in fighting qualities on an open field. Thus, without any sufficient artillery, Wolfe was confronted with the difficult problem of immediately capturing a stronghold, while subject to attack in flank and rear by a numerous covering force much better supplied than he with artillery. So far as I can yet see, the only thing his opponent had to do was to wait until Wolfe began his necessary assault. It would have involved for him great risk.

Under these circumstances why did Montcalm decide to take the immediate initiative? Without artillery, without even waiting until his entire force had been concentrated, he made a noisy, futile rush at the British, as if for him there was no other course open. Yet his so doing was exactly what Wolfe must most have hoped for. The result we all know. On this most interesting point, however, Parkman is curiously vague. He is even contradictory; thus betraying the lack of professional insight. At first he says of Montcalm, when the French commander saw the English army in line of battle behind Quebec, "he could not choose. Fight he must, for Wolfe was now in position to cut off all his supplies" (p. 293). Leaving the imminence of winter out of consideration, this is, in a way, plausible; but a little farther on Parkman says of Montcalm's immediate successor in command of the beaten Canadian army: "There was no need to fight at once.

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* * * By a march of a few miles he could have [concentrated the covering force], and by then intrenching himself he would have placed a greatly superior force in the English rear, where his position might have been made impregnable. Here he might be easily furnished with provisions, and from hence he could readily throw men and supplies into Quebec, which the English were too few to invest" (p. 306). If this was the situation the day after Montcalm suffered defeat, why was it that officer had "no choice" but to fight at once, thirty-six hours before?

Parkman fails to tell us.

To supply the tantalizing omission, even were I competent so to do, is no part of my present plan. The omission amounts, none the less, in itself, to a "Plea for Military History;" for I submit that a trained military historian, after a careful examination of the locality and every record of the battle, could form a presumably correct estimate of the considerations which acted on Montcalm, and thus caused France the loss of the key to a continent.

Coming now to a later period and events nearer home, I propose to illustrate my thesis by a brief reference to four battles in our own history, two from the War of Independence and two from that of 1812–15—the engagements at Bunker Hill and Long Island in the one case, and those of Bladensburg and New Orleans in the other. None of these incidents in our history have, so far as I know, been treated by any writer competent to handle them from a distinctively military point of view, as, for instance, Captain Mahan has handled the naval operations of Nelson.

Recurring to Bunker Hill, the mistakes and controversies which have arisen among historians and critics in regard to that engagement have well-nigh partaken of the ludicrous. There has, in the first place, been an almost endless discussion as to who was in command—a discussion which would have caused no man of military training a moment's pause. It has been elaborately contended that General Putnam must have been in command, because he was the officer of the highest grade upon the ground, obviously outranking Colonel Prescott. The proposition is simply absurd, as being contrary to the first and elementary principles of military subordination. General Putnam was, it is true, on the ground; but he was on the

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ground as an officer having a Connecticut commission only, and in command of a detachment from that province. He held no commission from Massachusetts, much less any continental commission. Colonel Prescott, commanding a Massachusetts regiment, had received his orders from his military superior, Major-General Ward, an officer also in the Massachusetts service. Ward thus was Prescott's superior officer; Putnam was not. During the operations which ensued it was open for Putnam to make to Prescott any suggestion he saw fit; and Prescott, acting always on his own responsibility, might give to such suggestions the degree of weight he deemed proper; but he could report only to his superior in the same service as himself—his military commander. Prescott, therefore, showed perfectly well that he knew what he was about when he offered the command to Warren, who had been commissioned by the Massachusetts authorities as a major-general, when Warren appeared upon the field. Warren, very properly, declined the command, remaining purely as a volunteer. But, so far as Putnam was concerned, he was in command merely of such Connecticut troops as were cooperating with the Massachusetts detachment; and for a Massachusetts officer to have received an order as such from him would have subjected that officer to a court-martial. All this is elementary—the very alphabet of the military organization—and yet the lay historians who have written upon that battle have contended over the question for years.

The extraordinarily bad tactics of both sides in the affair of Bunker Hill I have dealt with elsewhere[1]—the opportunity which the British lost, the accidental advantage which the Americans gained. Luck, combined with good marksmanship, on the one side, and blundering, bullheaded persistence on the other, were the predominating elements of the occasion; and to those features of it the historians have given scant consideration. The cause of American independence owed much that day to Yankee pluck and straight shooting; but more yet to genuine British bulldog stupidity. The race learns slowly. Its representatives then did just what they have recently attempted in South Africa.

Nevertheless, the effect of the battle of Bunker Hill upon that on Long Island fourteen months later is, from a military

[1] American Historical Review, vol. 1, pp. 401–413. April, 1896.

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point of view, interesting and very worthy of study. It is not too much to say that the experience of the earlier absolutely changed the fate of the subsequent day; and, on the 17th of June, 1775, Colonel Prescott not only saved from destruction General Washington and the American Army on the 27th of August, 1776, but he saved the cause of American independence itself. Sir William Howe commanded at Bunker Hill; he also commanded at Long Island. Upon the latter field of operations his movements, though slow, were skillfully planned and well carried out. For a wonder, he had recourse to a flanking movement, which was successfully executed by Clinton; and, as the result of it, Howe found himself in the early hours of that August day in an admirable position to deliver an assault, with the chances at least four out of five in his favor. But the bloody experience at Bunker Hill was fresh in his mind; and so, having his enemy completely in his grasp, he hesitated. He allowed his opponent to elude him; and that opponent chanced to be Washington.

When, some years ago, I had occasion to make a study of operations about New York in August, 1776, I was amazed at the mistakes, from a military point of view, of which Washington was then guilty. Even more amazing, however, was the partisanship of the American historians. In their unwillingness to see any blemish in the career of Washington, their narratives amounted to little less than a falsification of history—a literary misdemeanor, not to say crime, for which the only plea in justification possible for them to enter would be lack of technical knowledge. Suppressing incontrovertible facts, they gave credence to absurd stories. So much was I at the time surprised at the conclusions to which I found myself compelled that I took my narrative in the manuscript to Mr. Ropes, told him of my perplexity, and asked him to read my paper and give me the benefit of an outspoken criticism. I found him singularly well informed on the subject in a general way, and he readily assumed the task. A few days later he returned me my manuscript with an emphatic written indorsement of the conclusions I had reached. Subsequently the paper was printed in the American Historical Review,[1] and may there be consulted.

[1] Vol. I, pp. 650–671. July, 1896.

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Time and space do not permit of my now entering again upon this subject, nor would it be worth your or my while were I so to do. Suffice it to say that during the latter part of August, 1776, Washington appears to have disregarded almost every known principle of strategy or rule of tactics, some of them in a way almost grotesque. For instance, while lying on Long and Manhattan islands awaiting the sluggish movements of Howe, a body of Connecticut cavalry appeared, volunteering their services. Substantial, well-mounted men, they were some 400 in number. Washington declined to accept their services as mounted men, on the extraordinary ground that operations being then conducted on islands, there could be no occasion for cavalry. Men, however, were greatly needed, and he suggested that members of the troop should send back their horses and agree to serve as infantry. When they declined so to do, he roughly dismissed them. In reaching this decision it is not too much to say that Washington betrayed a truly singular ignorance of what can not be regarded otherwise than as the elementary principles of military movements. It was true the operations then in hand were necessarily conducted on islands; but, as it subsequently appeared, the American army did not have the necessary mounted men to do orderly and courier duty. More than that, the disaster of the 27th of August on Long Island, involving, as it did, the needless destruction of the very flower of the American army, was wholly due to the lack of a small mounted force. There were on that occasion three roads which led from Gravesend, whence the British began their movement, to Brooklyn, where Washington was intrenched. We will call these the eastern, the middle, and the western roads. Of these three roads, two, the western and the middle, the Americans had occupied in force. The eastern road they wholly neglected. It was assumed, apparently, that the enemy would never go so far out of the direct way. There is unquestionably a well-developed propensity in British commanders to butt their own heads and those of their soldiers directly against any obstacle their enemies may see fit to put in their front. They can generally be counted on so to do. Unfortunately for the American army, it so chanced, as I have already said, that for once a flanking movement suggested itself to some one in the British army at Gravesend, probably

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not Sir William Howe. Accordingly, having reconnoitered their front, a British division, under the command of Clinton, made a night move on Brooklyn by the easternmost of the three roads. That road, under any known rules of warfare, even the most elementary, should have been picketed, and watched by a mounted patrol. Twenty-five men would have sufficed; fifty would have been ample. Four hundred men could have picketed the whole of Washington's front, and, holding the enemy in check, have given ample notice of his approach. To neglect such an obvious precaution was so unpardonable as not to admit of explanation. As a matter of fact, the road in question was left not only uncovered, but it was not even observed. The American army had no cavalry, its commander having sent the mounted men offered him home on the curiously suggestive ground that they could be of no possible service, as on islands "horses can not be brought into action." By this unconsciously innocent remark the trained military expert learns that, at the time it was made, Washington had no conception of the duties and functions of a mounted force in connection with any extended military operations; and, accordingly, the fact, not otherwise comprehensible, is explained that during the short summer night of August 26–27, 1776, Clinton moved forward not only unopposed, but actually unobserved, until, in the early morning, he had got himself between the defenses at Brooklyn and the right wing of Washington's army under Stirling and Sullivan, thrown forward to cover the eastern and the middle roads. As a result, that whole wing of the army, its flower, was crushed between Howe, advancing directly from Gravesend, and Clinton, who had got in its rear. The disaster was, as I have said, wholly due to the lack of cavalry on Long Island, and a consequent defective outpost service. Yet these facts, so pregnant with both inferences and consequences, are not even alluded to by any historian of the operations. The historians, in their turn, did not realize the functions of cavalry in warfare, or observe that the American army in and before New York had no mounted service, or why it had none. The disaster of August 27 on Long Island just failed to bring irretrievable ruin on the cause of American independence. Even as it was, gravely compromising Washington, its influence was perceptible on the whole

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course of military operations during the succeeding three years. To Washington it was a lesson from which he learned much. Thenceforth he adopted Fabian tactics.

Turning now to the war of 1812–15, the influence of the battle of Bladensburg and the consequent capture of the city of Washington is not less apparent in the operations which resulted in the defeat of Pakenham before New Orleans and the failure of the British expedition against Louisiana than was the sharp lesson of Bunker Hill in Howe's cautious movement against the American lines at Brooklyn. The affair at Bladensburg occurred on the 23d of August; the assault on Jackson's lines before New Orleans was delivered on the 8th of January following. Those engagements, and the tactics pursued in them, are, moreover, of peculiar interest just at this time in connection with what is taking place in South Africa. A recurrence to the events of eighty-five years ago will show how very tenacious are military traditions, with the British at least, and how racial characteristics assert themselves, no matter how much conditions change and in spite of experience. It also, if taken in connection with the other and earlier operations I have referred to, illustrates very curiously the slight degree of reliance which can be placed on the fundamental rules of strategy when it comes to their practical application. They are, in fact, about as dangerous to apply as they are to disregard; for, when all is done and written, in warfare almost everything depends on the character of the man at the head—on his insight into the real facts of the situation, including the topography of the country, and the quality of the material at his command and of that opposed to him. The really great military commander, as in the case of Napoleon in his earlier days, effects his results quite as much by ignoring all recognized rules and principles as by acting in obedience to them. New Orleans was a case in point. At New Orleans, Jackson had no right to succeed; Pakenham had no excuse for failure. The last brought defeat on his army and lost his own life while proceeding in the way of tradition and in obedience to accepted principles of strategy; the former achieved a brilliant success by taking risks from which any reasonably cautious commander would have recoiled.

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In the first place, however, to understand the why and the wherefore of what took place at New Orleans eighty-five years ago in January it is necessary to recall to mind what occurred at Bladensburg and in Washington eighty-five years ago last August. The general in command of the British army had been changed, for Ross was killed before Baltimore, and Pakenham, fresh from the battlefields of the Peninsula, had succeeded him; but the regiments which had simply, with a volley, a shout, and a rush, walked over the American line at Bladensburg, all took part in the attempt to walk over a similar line before New Orleans. The tactics, if such they deserve to be called, were the same in each case—those of the football field. In other words, at Bladensburg the British officers, proceeding in conformity with their simple traditions and good old rules, endeavored to do, and succeeded in doing, exactly what they intended to do and failed in doing at Bunker Hill; that is, they marched directly up in front of the defending force, carried the position with little loss, routed their opponents, and then, as a matter of course in the case of Washington, captured the city those opponents were there to cover. The proceeding was perfectly simple—very much, in fact, what we have seen recently in the Philippines—a body of superior troops carrying by front assault weakly defended defensive points, and this with insignificant loss to themselves. At both Bladensburg and New Orleans the attempt indicated an overweening self-confidence in the attacking party, due to a dangerous contempt for their opponents. The veterans of Wellington's Peninsular campaigns had to do with raw American levies. They regarded them very much as our own volunteers have recently regarded the Filipinos.

Thus New Orleans was the sequel of Bladensburg; it goes far also to explain the recent battle on the Tugela. Writing in a reminiscent mood of the Spanish battle of Busaco, thirty-four years after that of New Orleans, Charles James Napier, brother of the historian of the Peninsular war, said of Pakenham—and he and Pakenham had both been wounded at Busaco—"Poor fellow! He was a heroic man, that Edward Pakenham, and it was a thousand pities he died in defeat; it was not his fault, that defeat." This may possibly be, and Napier was unquestionably a high authority on such a point. None the less there is a large class of military commanders commonly known in camp parlance as "butt-heads," and it is not at once

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apparent why Maj. Gen. Sir Edward Pakenham should not be included therein.[1] James Parton was, by birth, English, and in his life of Jackson—one of the most picturesque and vivid biographies, be it said, in the language—Parton speaks thus of Pakenham, using forty years ago language curiously applicable to operations in South Africa eighty-five years after those I am criticising: "The British service seems to develop every high and noble quality of man and soldier except generalship. Up to the hour when the British soldier holds an independent command he is the most assured and competent of men. Give him a plain, unconditional order—'Go and do that!'—and he will go and do it with a cool, self-forgetting pertinacity of daring that can scarcely be too much admired. All of the man below the eyebrows is perfect. The stout heart, the high purpose, the dexterous hand, the enduring frame, are his. But the work of a general in command demands head—a cool, calculating head, fertile in expedients; a head that is the controlling power of the man. And this article of head, which is the rarest production of nature everywhere, is one which the brave British soldier is apt to be signally wanting in, and never so much so as when responsibility rests upon him." For the intelligent student of military operations it is not any easier now than it was for Parton half a century ago to advance any sufficient reasons for the tactics pursued by the British commander when, on the 8th of January, 1815, he went to his own death while thrusting his storming columns against breastworks bristling with artillery and swarming with riflemen. It was simply the wanton throwing away of life to accomplish a result which could have been accomplished in another and more scientific way absolutely without loss; for New Orleans was then within the easy grasp of the British.

Had Pakenham, as he perfectly well could have done, passed a division of his army over to the western bank of the Mississippi, and then threatened New Orleans from that side of the river, operating upon Jackson's flank and rear, Jackson would have had no choice but to vacate his lines and allow New Orleans to fall. This, when too late, Jackson himself perfectly appreciated; but the British commander preferred the desperate chance of an assault. The recollection of Bladensburg lured him to destruction.

[1] See also Proceedings of Massachusetts Historical Society, Second Series, Vol. XIII, pp. 412–423.

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In reading the literature of that campaign it is curious to come across the footprints of this fact. Pakenham joined the army before New Orleans on the morning of Christmas day, 1814, only two weeks before the battle. The English had then already met with much stiffer resistance than they had anticipated, and those whom Pakenham relieved of command recognized the difficulty of the problem before them to solve. Nevertheless, as the reenforcements the new commander in chief brought with him stepped on shore, not a few of them expressed their fears lest they should be too late to take part in the advance, as they thought New Orleans would be captured before they could get into line. On the 7th of January, the day before the battle, as one of the newly arrived regiments moved toward the front, passing another regiment which had been at Bladensburg, some of the officers of the former remarked to those of the latter that "it would be now our turn to get into New Orleans, as they had done at Washington." Among those who had been at Washington, not one had been more conspicuous than Admiral Cochrane, as, a naval officer, mounted on a brood mare, white, uncurried, with a black foal trotting by her side, he rode around personally superintending the work of destruction. And now, when the brave and unfortunate Pakenham hesitated in face of the obstacles in front of him, Cochrane, so the story goes, egged him on with a taunt, telling him, with Bladensburg fresh in mind, that "if the army could not take those mud banks, defended by ragged militia, he would do it with 2,000 sailors armed only with cutlasses and pistols."

On the other hand, Jackson on this occasion evinced one of the highest and rarest attributes of a great commander; he read correctly the mind of his opponent—divined his course of action. The British commander, not wholly impervious to reason, had planned a diversion to the west bank of the river, with a view to enfilading Jackson's lines, and so aiding the proposed assault in front. As this movement assumed shape it naturally caused Jackson much anxiety. All depended on its magnitude. If it was the operation in chief of the British army, New Orleans could hardly be saved. Enfiladed and threatened in his rear, Jackson must fall back. If, however, it was only a diversion in favor of a main assault planned on his front, the movement across the river might be checked or

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prove immaterial. As the thing developed during the night preceding the battle, Commodore Patterson, who commanded the American naval contingent on the river, became alarmed, and hurried a dispatch across to Jackson, advising him of what was taking place, and begging immediate reenforcement. At 1 o'clock in the morning the messenger roused Jackson from sleep, stating his errand. Jackson listened to the dispatch, and at once said: "Hurry back and tell Commodore Patterson that he is mistaken. The main attack will be on this side, and I have no men to spare. General Morgan must maintain his position at all hazards." To use a vernacular but expressive term, Jackson had "sized" Pakenham correctly—the British commander could be depended on not to do what a true insight would have dictated, and the occasion called for. He would not throw the main body of his army across the river and move on his objective point by a practically undefended road, merely holding his enemy in check on the east bank. Had he done so he would have acted in disregard of that first principle both of tactics and strategy which forbade the division of a force in presence of an enemy in such a way that the two parts are not in position to support each other; but, not the less for that, he would have taken New Orleans. An attack in front was, on the contrary, in accordance with British military traditions, and the recent experience of Bladensburg. He acted accordingly, as Jackson was satisfied he would act. In his main assault he sacrificed his army and lost his own life, sustaining an almost unexampled defeat; while his partial movement across the river was completely successful, so far as it was pressed, opening wide the road to New Orleans. A mere diversion, or auxiliary operation, it was not persisted in the principal attack having failed.

Possibly it might by some now be argued that, had Pakenham thus weakened his force on the east side of the river by operating, in the way suggested, on New Orleans and Jackson's flank and rear on its west side, a vigorous, fighting opponent, such as Jackson unquestionably was, might have turned the tables on him for thus violating an elementary rule of warfare—the very rule, by the way, so dangerously ignored by Washington at Brooklyn. Leaving his lines and boldly taking the aggressive, Jackson, it will then be argued, might have overwhelmed the British force in his front, thus cutting the

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column operating west of the river from the fleet and its base of supplies—in fact, destroying the expedition. Not improbably Pakenham argued in this way; if he did, however, he simply demonstrated his incompetence for high command. Failing to grasp the situation, he put a wrong estimate on its conditions. It is the part of a skillful commander to know when to secure results by making exceptions to even the most general and the soundest rules. Pakenham at New Orleans had under his command a force much larger, in fact nearly double, that confronting him. While, moreover, his soldiers were veterans, the Americans were hardly more than raw recruits; but, like the Boers of to-day, they had in them good material, and were individually accustomed to handling rifles. As one of the best of Jackson's Brigadiers, General Adair, afterwards expressed it: "Our men were militia without discipline, and if once beaten they could not be relied on again." They were, in fact, of exactly the same temper and stuff as those who were stampeded by a volley and a shout at Bladensburg; and the principle of military morale thus stated by General Adair was that learned by Washington on Long Island. Troops of a certain class, when once beaten, can not be relied on again. They are not seasoned soldiers. The force Pakenham had under his command before New Orleans was, on the other hand, composed of seasoned soldiers of the best class. In the open field, and on anything approaching equality of position, he had absolutely nothing to fear. He might safely provoke attack; indeed, all he ought to have asked was to tempt Jackson out from behind his breastworks on almost any terms. So fully, moreover, did he realize all this that it inspired him to his assault. It is useless, therefore, to suggest that he hesitated to separate his force, overestimating Jackson's numbers and aggressive capacity. Had he done so, he would hardly have ventured to assail Jackson in front. On the contrary, Pakenham's trouble lay not in overestimating but in underestimating his adversary. He failed to divide his force and operate on correct principles, not because he was afraid to do so, but because he did not know enough so to do.

In case, then, dividing his command, Pakenham had thrown one-half of it across the river to assail New Orleans in force, so turning Jackson's rear, and then with the other half held his position on the east bank, keeping open his communications

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with the fleet, the only possible way in which Jackson could have taken advantage of the situation would have been by leaving his lines, and attacking.

Now, it so happens that resisting attack under just such circumstances is the position in which the British soldier has always developed his best staying qualities. Quebec was a case directly in point. Again, the men under Pakenham before New Orleans were even more reliable than those who only five months later at Waterloo, after the auxiliary troops had been swept from the field by the fury of the French attack, held their position from noon to a June sunset against an assaulting force of nearly twice their number commanded by the Emperor himself. Indeed, the tenacity of the English infantry under such circumstances is well known—it is even now receiving new illustration. But concerning it there is a statement of the French Marshal Bugeaud which is so curious, and which bears upon its face such evidence that it was written by a military man of practical experience, that I can not refrain from quoting it. It is not the utterance of a "bookish theorick," but of one who knew of that whereof he spoke. Marshal Bugeaud, in making this statement, referred not to Waterloo, but to the operations in the Peninsular war—that school in which the soldiers under Pakenham had learned their business. What he says reveals, moreover, a curious insight into the characteristics of the French and English infantry:

"The English generally occupied well-chosen defensive positions, having a certain command, and they showed only a portion of their force. The usual artillery action first took place. Soon, in great haste, without studying the position, without taking time to examine if there were means to make a flank attack, we marched straight on, taking the bull by the horns. About 1,000 yards from the English line the men became excited, spoke to one another, and hurried their march; the column began to be a little confused.

"The English remained quite silent, with ordered arms, and from their steadiness appeared to be a long red wall. This steadiness invariably produced an effect on the young soldiers.

"Very soon we got nearer, shouting, 'Vive l'Empereur, en avant! à la bayonette!' Shakos were raised on the muzzles of the muskets; the column began to double, the ranks got into confusion, the agitation produced a tumult; shots were fired as we advanced.

"The English line remained still, silent, and immovable, with ordered arms, even when we were only 300 paces distant, and it appeared to ignore the storm about to break.

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"The contrast was striking; in our inmost thoughts each felt that the enemy was a long time in firing, and that this fire, reserved for so long, would be very unpleasant when it did come. Our ardor cooled. The moral power of steadiness, which nothing shakes (even if it be only in appearance), over disorder which stupefies itself with noise, overcame our minds. At this moment of intense excitement the English wall shouldered arms, an indescribable feeling rooted many of our men to the ground—they began to fire. The enemy's steady concentrated volleys swept our ranks; decimated, we turned round, seeking to recover our equilibrium; then three deafening cheers broke the silence of our opponents; at the third they were on us, pushing our disorganized flight. But, to our great surprise, they did not push their advantage beyond a hundred yards, retiring calmly to their lines to await a second attack."

Those thus vividly described by an hereditary race opponent, who had himself confronted them, were the identical men Jackson would have had to attack on their own ground had he found himself compelled on the 8th of January to leave his lines and assume the aggressive, as the only possible alternative to a precipitate retreat and the abandonment of New Orleans. Certainly that day Andrew Jackson was under great obligations to Edward Pakenham.

I have referred to Washington's operations on Long Island and the short Bladensburg campaign as interesting military studies in connection with New Orleans, or as directly influencing the course of events there. But there is another and far more memorable and momentous American campaign which is deserving of mention in the same connection. I refer to our own army movements on the Mississippi nearly half a century later. I have in this paper contended that at New Orleans one-half of the British force there assembled would have been fully equal to holding its own against an assault in front from any force Jackson could have brought against it. Pakenham's flank operations in front of New Orleans could, therefore, in 1815 have been conducted with quite as much safety as were those of Grant before Vicksburg in May and June, 1863. In fact, the positions in the two cases were much the same. Like Pakenham at New Orleans, Sherman, it will be remembered, before Grant's flanking operations began, assailed the works at Vicksburg in front, meeting with a disastrous repulse. Subsequently Grant devised his brilliant, scientific movement by Grand Gulf and the Big Black, crossing the Mississippi twice and taking his opponents in the rear, exactly as Pakenham could have done from below New

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Orleans, though on a much larger scale and incurring far greater risks. He thus forced Pemberton to come out from behind his works, to take the chance of even battle, in order to preserve his line of communication. He then whipped him.

And this brings us face to face with what is, after all, the fundamental condition behind all principles and theories of warfare, the individuality, and tactical or strategic aptitudes—for they are very different things—of commanders. It was the Confederate General Forrest, I believe, one of the born fighters developed in our civil war, who defined strategy as the art in warfare of "getting there first with most men." The definition is rather general; but in it there is much native shrewdness, and, moreover, it smacks strongly of practical experience. Grant illustrated its truth in one way in 1863, just as poor Pakenham illustrated its obverse in 1815. The trouble, however, with most books of so-called history is that the industrious, but, as a rule, quite inexperienced, writers thereof fail conspicuously to get at what may be called, for want of a better term, the true inwardness of any given situation. They tell of what occurred, after a fashion; they fail to show why it occurred. The sequence is not revealed. So, where such are not written with a distinct bias of patriotism or hero worship, they are apt to repeat in a stereotyped sort of way accepted traditions or conventional theories, and when with this is combined a lack of familiarity and practical experience, the result is apt to be what we are very familiar with when a clergyman sets out to explain difficult problems of constitutional law, or some excellent man of affairs feels impelled to impart in some public way his views upon art.

As I have sought to show, Wolfe at Quebec, Washington on Long Island, Jackson at New Orleans, are all still interesting studies, studies than which few are more interesting. But as chance and occasion have led me to look into them, the result has been, in the first place, as I stated when I began, a distinct access of historical skepticism, followed by grave doubts as to the real value of what are known as general histories, written on the plan heretofore in vogue. They fail to bear the test of rigid special analysis. Accordingly, I can not help fancying that in some future, not now very remote, a new historical method must be developed, a method the

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general character of which I have this evening illustrated from a special point of view. Pursuing in other fields of knowledge the line of thought I have tried to develop in connection with a few familiar military episodes, the general historian on a large scale will seek to draw his narrative not from his inner consciousness, or his assumed personal knowledge of military operations as of everything else, or from any supposed natural aptitudes which he may infer exist in himself. On the contrary, he will turn to others, and, like some good occupant of the judicial chair, he will bring his judgment to bear, not upon the problems themselves, but upon the degree of reliability to be placed on the conclusions reached by those specially qualified for the task, who have undertaken to speak on the problems—the laborious writers of scientific monographs. In military affairs as in others, the day of the historian of the Oliver Goldsmith type—the facile writer who knows it all, who is at once a statesman, a diplomat, a parliamentarian, a lawyer, a theologian, a physician, a biologist, a mechanician, an architect, a linguist, and, though neither last nor least, a military and naval strategist—the day of the historian of this class is practically a thing of the past; for even historical writers begin to realize that no man can be a specialist in everything; neither is it any longer given to one of finite powers to take all knowledge for his province, and to be a generalizer besides.

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X.—MARCUS WHITMAN: A DISCUSSION OF PROFESSOR BOURNE'S PAPER.

By WILLIAM I. MARSHALL.

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MARCUS WHITMAN: A DISCUSSION OF PROFESSOR BOURNE'S PAPER.[1]

By Principal WILLIAM I. MARSHALL, of Chicago.

From 1877 to 1882 I supposed the "Whitman saved Oregon" story to be true, and as a lecturer, with illustrations, on Yellowstone National Park, gold mines and gold mining, California, Utah and the Mormon question, Colorado, the new West, and other subjects pertaining to the scenery, industries, and history of the Rocky Mountain and Pacific coast regions, appearing in the leading popular lecture courses from Maine to California, from 1875 to 1887, it would have been worth many thousands of dollars to me, if true, as the basis of two popular lectures on "Where rolls the Oregon," while, if not true, I saw with equal clearness that no lectures could be prepared on far-away Oregon which would pay a dollar of profit in this generation.

It was while searching for evidence that would support the story, so that it would be safe for me to risk my reputation in advocating it, that I went to Oregon in 1882 and made a pilgrimage to Whitman's grave, and learned, to my great regret, from the late M. P. Deady, long United States circuit judge in Oregon, that there was no real evidence to support it, and that the tale was, to use his own words, "merely one of old Gray's yarns." Hoping that I might save something from the ruins of it for use on the lecture platform, I continued its study till 1884, and then announced, in a lecture in the great Peabody Institute course, in Baltimore, Md., that "Whitman's ride, though a brave deed, had nothing whatever to do with saving any part of Oregon, had no political purpose nor result, but was undertaken solely on missionary

[1] Prof. E. G. Bourne's paper, read at meeting of American Historical Association, December 28, 1900, is published in the American Historical Review, January, 1901.

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business, and if Marcus Whitman had never been born our line would have been 49 degrees to the Pacific, precisely as it is to-day."

The late Hon. George Bancroft, the historian, and the final authority on the Oregon question, did me the honor to read the manuscript of that lecture, and wrote me, September 17, 1885, as follows: "Your argument is conclusive on the question you discuss."

Having for the last sixteen years been a solitary voice on this side the Rocky Mountains crying out against this historical fabrication, it is with the greatest interest that I have listened to the very admirable paper of Professor Bourne.

As far back as 1888, foreseeing that unless its falsity was thoroughly exposed it would soon be in the school histories, I wrote to the then president of this association, offering to read a paper on it, but nothing came of it.

Had it then been taken up by the association, it would never have been in a single school history, nor in any other book having any extensive circulation, and such a totally worthless book as Barrows's "Oregon" would long since have been withdrawn from sale, instead of being pushed into every library to befog and mislead the American people about the true history of the acquisition of nearly one-twelfth of all our national domain on this continent.

Professor Bourne does not do full justice to Rev. William Barrows's special qualifications for and very peculiar methods as the historian of "Oregon." The fact is that for six years just before "throwing together" his Oregon—for it was never in any proper sense *written*—he had his office as secretary of the Massachusetts Home Missionary Society in the same building as the American Board of Commissioners for Foreign Missions—i. e., in the one building in this whole world which contains, in the files of the Missionary Herald from 1835 to 1848, and in something like 4,000 pages of the unpublished contemporaneous letters from Dr. Whitman and his associates in the Oregon mission, the indisputable evidence that utterly annihilates every proposition that Barrows advances as to the origin and purpose of Whitman's ride, and not only did he, as Professor Bourne well says, "resist the temptation to quote one word of it," but he never intimated

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in his book that a particle of evidence on the question existed there, though it seems certain that he must have known of its existence.

The notion that the title to Oregon could be in any way affected by an influx of English settlers is as purely imaginary as all the rest of the Whitman legend, since the treaties of 1818 and 1827 specifically guarded against any possibility of such a result. (Cf. (*a*) Gallatin to Clay, Sec. of State, Nov. 25, 1826, Am. State Papers, Foreign Relations, Vol. VI, p. 653; (*b*) Edward Everett to Upshur, Sec. of State, two dispatches, No. 18, date Nov. 14, 1843, and No. 19, date Dec. 2, 1843, in Berlin Arbitration, pp. 29 and 32; (*c*) Calhoun, Sec. of State, to Pakenham, Br. minister at Washington, Sept. 2, 1844; (*d*) Buchanan, Sec. of State, to Pakenham, July 12, 1845, Sen. Ex. Doc. No. 2, 29th Cong., 1st sess.; also discussions on Oregon in "Debates in Congress" and "Congressional Globe," sessions of 1824–25, 1828–29, 1838–39, 1842–43, 1843–44, 1844–45, and 1845–46, and especially at the last session two speeches of John Q. Adams, Feb. 9 and Apr. 13, 1846.)

No claim was ever made by any British plenipotentiary in all our protracted negotiations on the Oregon question that the British title had been or could be strengthened by any settlement formed subsequent to the date of the first of these treaties, viz, October 20, 1818.

Instead of ignorance and indifference about Oregon in the United States, there had been for twenty years before Whitman's ride a widespread interest in it, and about no other territorial acquisition we have ever made on this continent had there been before its accomplishment anywhere nearly so much information printed by the Government nor so many popular books and magazine articles widely circulated among the people as about Oregon before 1843.

Of these books six were immediately republished in England, viz: (1) Corporal Patrick Gass's Journal of the Lewis and Clark Expedition, 1808. (Of this also a French edition was printed in 1810.) (2) Lewis and Clark's History of the Expedition (1814), Philadelphia, 2 volumes; London (1814), 1 volume; London (1815), 3 volumes; London (1817), 3 volumes. In 1815 it was also translated into German and published in Germany, and in 1816–1818 into Dutch and published in Dordrecht (in 3 volumes), and in 1817 a two-volume edition

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appeared in Dublin. (3) Irving's Astoria (1836). (4) Irving's Bonneville (1837). (5) John K. Townsend's Narrative (1838), and (6) Greenhow's History of Oregon and California, first or Government edition (1840).

Within four and a half years before Whitman reached the States Congress had printed for gratuitous circulation between 2,500,000 and 3,000,000 pages of five unanimous reports of committees of the Senate and the House of Representatives on Oregon, all unanimously adopted by the Senate or House and all very eulogistic of the value of Oregon.

Its easy accessibility by wagons via the upper Missouri route and over Clark's (or Gibbon's) Pass had been printed in all the various editions of Lewis and Clark's History of the Expedition, and had also been declared via the South Pass route by the Rocky Mountain Fur Company and by Major Pilcher, and published far and wide by the National Government in Senate Executive Document No. 39, Twenty-first Congress, second session, January 25, 1831, five years before Whitman went to Oregon and more than two years before any missionary even thought of going there.

This document was widely copied in newspapers and magazines, and the same facts were briefly stated in four popular works on geography published between 1831 and 1835.

Two letters which Mrs. Whitman wrote while her husband was getting ready to go to the States—i. e., September 29 and September 30, 1842—the first to her brother and sister at Quincy, Ill., and the second to her parents and brothers and sisters at Angelica, N. Y. (and which were never printed till 1893), seem to have escaped Professor Bourne's eye.

They are in Transactions Oregon Pioneer Association for 1893, pages 165–169. The following is all there is in them as to cause of that brave winter's ride.

In the first she wrote:

MY DEAR JANE AND EDWARD: I sit down to write you, but in great haste. My beloved husband has about concluded to start next Monday to go to the United States, the dear land of our birth but I remain behind.

If you are still in Quincy, you may not see him until his return, as his business requires great haste.

He wishes to reach Boston as early as possible, so as to make arrangements to return next summer if prospered. The interests of the missionary cause in this country calls him home.

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In the second she wrote:

MY BELOVED PARENTS, BROTHERS, AND SISTERS: You will be surprised if this letter reaches you to learn that the bearer is my dear husband, and that you will after a few days have the pleasure of seeing him. May you have a joyful meeting. He goes upon important business as connected with the missionary cause, the cause of Christ in this land, which I will leave for him to explain when you see him, because I have not time to enlarge.

He has but yesterday fully made up his mind to go, and he wishes to start Monday, and this is Friday. * * * He has for a companion Mr. Lovejoy, a respectable, intelligent man and a lawyer, but not a Christian, who expects to accompany him all the way to Boston, as his friends are in that region, and perhaps to Washington. * * * He goes with the advice and entire confidence of his brethren in the mission, and who value him not only as an associate, but as their physician, and feel as much as I do that they know not how to spare him; but the interest of the cause demands the sacrifice on our part, and could you know all the circumstances in the case you would see more clearly how much our hearts are identified in the salvation of the Indians and the interests of the cause generally in this country.

The Red River settlers—twenty-three families, or eighty persons in all—men, women, and children, the announcement of whose coming in October, 1842, according to the "Saving Oregon" legend, started Whitman to ride post haste to Washington to inform the Government and "Save Oregon," as a matter of fact, had been quietly settled in Oregon a year when Whitman started to ride to the States, having been at Fort Walla Walla, 25 miles from Whitman's station, October 4, 1841, and Whitman knew of it within twenty-four hours, as his own letter of November 11, 1841, states distinctly (in a part which I have not space to quote), and instead of rushing across the continent to impart the information to the Government at Washington, or even hastening to write to the Government or anybody else about it, in a two and one-half-page letter which he wrote October 22, 1841, eighteen days after he certainly knew that they had arrived, he did not write one word about them. Between the time he knew, not that they were coming, but that they had arrived, i. e., October 4, 1841, and October 3, 1842, when he started to the States, he and his wife wrote at least six letters to the States (which I have read), aggregating about 12,000 words, out of which, in a twenty-two-page letter, written November 11, 1841 (i. e., thirty-eight days after he knew they had arrived), he, in illustration of something of

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vastly more consequence to himself, devoted the whole of thirty words to the bare announcement of their arrival, but without a word of comment on it, as follows:

(A large party of settlers, as half servants to the company, were at that time at the fort on their way from the Red River to settle on the Cowlitz.)

"Merely this and nothing more;" and to show how unimportant it was to him, he put these thirty words in parentheses.

Rev. H. H. Spalding's almost innumerable erroneous statements about this matter it is charitable to ascribe to a disordered mind and not to the intention of misrepresentation, although in the record of the continuous quarrel between Mr. and Mrs. Whitman and Spalding, which began before they left the States (and of which there had been certainly seven and probably eight or more reconciliations before they received, on September 15, 1842, the destructive order of the American board, dated February 25–26, 1842, which ordered the discontinuance of three of the four stations of the missions (including Whitman's), and ordered Gray and Spalding—i. e., two out of the five men then remaining associated with the mission—to return to the States, which was what caused Whitman's ride), Spalding was repeatedly charged by his associates with "duplicity."

The prudential committee of the American board, when they made that destructive order, had before it letters aggregating more than 130 pages from W. H. Gray, Dr. Whitman, Rev. C. Eells, Rev. A. B. Smith, and Cornelius Rogers, largely filled with complaints against Spalding, and among them one from Rev. A. B. Smith, of 14 pages, dated September 28, 1840, in which, after bitter complaints about Spalding, he goes on as follows:

I would recommend that Mr. Spalding be recalled to the States and dismissed from the service of the board without bringing him to any trial respecting his conduct here. From what I have seen and know of him I greatly fear that the man will become deranged should any heavy calamity befall him. These remarks I have just read to Dr. Whitman [who, it must be remembered, was an M. D., and not a preacher], and he concurs in what I have written, and says, moreover, that Mr. Spalding has a disease in his head, which may result in derangement, especially if excited by external circumstances.

His narrow escape at the time of the Whitman massacre in 1847 supplied the sufficient exciting cause, and it is only charitable to believe him irresponsible after that time.

Most legends are not born, but simply grow, and their beginnings and authors can not be precisely determined, but

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one of the very many peculiar features of the "Whitman saved Oregon" legend is that it appeared full grown, and we not only know its author, but the very date and place of its first appearance. Twenty-three years after the event the Pacific, the California organ of the Congregationalists, beginning May 25 and ending November 9, 1865, printed 11 articles, by Rev. H. H. Spalding, on the Oregon Indian missions. They were full of misstatements, which can only be pardoned on the ground of his mental condition, and in the tenth and eleventh of these articles, October 19 and November 9, 1865, appeared full grown the Whitman-saved-Oregon tale, exactly as stated in what purports to be an extract from a lecture by H. H. Spalding, on pages 20–23 of Senate Executive Document No. 37, Forty-first Congress, third session.

Not the slightest trace of it is to be found in all the hundreds of pages of the correspondence with the American board, between 1843 and 1865, of those who invented and pushed it into circulation, viz: Rev. H. H. Spalding, W. H. Gray, Rev. C. Eells, and Rev. G. H. Atkinson. They sometimes wrote of Whitman as a martyr but never as an heroic patriot.

The special temptation to fabricate it, then, is to be found in the fact that, under the treaty of July 1, 1863, for referring to a commission their claims against the United States Government (aggregating more than $5,000,000), the Hudson Bay Company and the Puget Sound Agricultural Company had begun in the spring of 1865 to take testimony on the case (which was finally settled by an award, September 24, 1869, of $650,000 to the two companies), and it angered Spalding to think that there was a chance of their getting a large part of that sum, while the American board had not received a cent on its extravagant claim of $40,000 for the destruction of the missions at the time of the Whitman massacre, and were having great trouble in securing their claims to a square mile of land at each of the mission stations.

I can not agree with Professor Bourne as to Rev. C. Eells. He knew all about the quarrels which had disturbed the mission from its start. As his letter of March 1, 1842, states at the annual meeting of 1841 (when certainly the sixth, if not the seventh, reconciliation was made), he had "sat from six to eight hours, with few minutes' cessation, acting the part of a third person between the parties, and fondly hoped that a settlement was made which would be permanent, but

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have since been distressed to learn that if a bar was at that time put up it has since been let down." Three months after writing this letter he was scribe of the seventh annual meeting of the mission, May 16 to June 8, 1842, when the seventh or eighth reconciliation was had, which occupied all the time of the meeting for eight days; and less than four months later he was again scribe of that special meeting, September 26 and 27, 1842, which, after two days of indecision as to what action to take on the order of the American board, discontinuing three of the four stations, finally authorized Whitman to go to the States, not on any political errand, but, as the only document he took with him from the three men who remained associated with him in the mission distinctly declared, "to confer with the committee of the A. B. C. F. M. in regard to the interest of this mission;" and when in his letter of May 28, 1866, he first indorsed the saving Oregon tale, and wrote that Whitman called that special meeting of September 26–27, 1842, to consider a long-formed purpose to go to the States to save Oregon, and that they discussed it for two days, and that "according to the understanding of the members of the mission, the single object of Dr. Whitman in attempting to cross the continent in the winter of 1842–43 was to make a desperate effort to save this country to the United States," he stated what was absolutely and unqualifiedly untrue.

Ben: Perley Poore, soon after the article appeared in the Atlantic, in reply to my letter of inquiry, wrote that he had no personal knowledge of the matter, but had depended on Spalding's and Atkinson's statements.

As to the school histories: It is now not quite two years since I decided that the most practical and valuable piece of historical work that one of my limited ability could accomplish would be to drive this story from our schoolbooks, and to keep it from gaining admission where not already in, and, as may be seen from the following letters, that task is practically accomplished with the leading ones, as soon as they can be revised, and other authors will within the next six months no doubt follow the example. McLaughlin's, Channing's, Fiske's, Eggleston's, Ellis's and Barnes's school histories have never mentioned the tale, and Dr. Eggleston, in a courteous reply to my letter calling attention to a few little errors on

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other matters, and congratulating him that he had not been misled by the Whitman legend, after thanking me for my corrections, wrote:

Having been a professional student of American history from original sources for twenty years, I did not need to be warned against such a fake as the Whitman saved Oregon fable, which I am every now and then entreated to insert.

Principal W. F. Gordy wrote me early in the summer of 1899:

I am entirely satisfied of the correctness of your position, and that you are doing a great work for the truth of history. * * * The next edition of my school history will not contain the name of Marcus Whitman.

And the edition whose preface is dated September, 1899, does not.

Mrs. A. H. Burton wrote me on October 20, 1900, as follows:

I shall hereafter exercise more care in my methods from having observed the inexhaustible patience exercised by you in sifting out the truth. I have ordered the elimination of the name of Whitman from my history.

Though Prof. John Fiske had never mentioned Whitman in his books, I knew that he had in an address at Astoria, in 1892, and therefore sent him the same manuscripts as Principal Gordy, and on July 26, 1900, he wrote me as follows:

I have read the greater part of your manuscripts with care, and it seems to me that you have completely proved your case. You have entirely demolished the Whitman delusion, and by so doing have made yourself a public benefactor. I am sorry to say that I was taken in by Barrows and Gray, and supposed what they said about Whitman to be true. In 1892 I was invited to deliver the centennial oration at Astoria in commemoration of the discovery of the Columbia River. My acquaintance with the history of Oregon was then but slight. I was familiar with the history of American discovery along our northwest coast, having studied that subject in the original sources, so that part of my oration was all right; but when I came to the events of fifty years ago, having no first-hand acquaintance with the sources, I trusted to Barrows and Gray, and accordingly gave my audience a dose of Whitman. Among my audience was Judge Deady, who afterwards informed me that all that I said about Whitman was wrong. There were others who contradicted the Judge and maintained that I was right. I now see, however, that the Judge was right. I feel personally grateful to you for the light you have thrown upon the subject, and I am very glad that I never printed anything about the Whitman business. That, however, I should not have been likely to do without further examination of sources. You have done your work so thoroughly that it will not need to be done again.

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I shall be very glad if you can tell me when we may hope to see your essays in print.

In conclusion, you will pardon me for saying that I think the force of your arguments would be enhanced if your style of expression were now and then a little less vehement. I quite sympathize with your feeling toward the humbug which you are exposing, but it seems to me that there is great value in a quiet form of statement, even approaching to understatement, for it gives the reader a chance to do a little swearing at the enemy on his own account.

In May last Mr. D. H. Montgomery wrote me (after reading the same manuscripts as Professor Fiske): "I am now convinced that there is no satisfactory evidence that Whitman came East on a political errand, and when I return from Europe in the autumn I shall revise my histories accordingly;" and November 13, 1900, he wrote me: "You will be pleased to know that I have this day rewritten the Whitman paragraphs in my Leading Facts of American History and made reference in a note to your valuable (forthcoming) book on Fremont and Whitman;" and November 16 Mr. H. E. Scudder (who it will be remembered was the editor of Barrows's "Oregon") wrote me, after only a partial examination of the criticism I had sent him, as follows: "Of one thing I am certainly convinced, that however much force is to be given to Dr. Whitman's own statement of the value he rendered, the incident of his ride had no such importance as would justify the space I have given it; nor is it the place of a school history to include matters which are in dispute, especially in such a way as to imply that there is no dispute. I shall therefore rewrite the passages in my two histories which bear upon the subject;" and on November 29, 1900, Professor McMaster, who had had the same manuscripts as Fiske and Montgomery, wrote me as follows:

I must apologize very sincerely for the long delay in returning your manuscripts and for the failure to promptly thank you for permission to examine them. Delay was caused by a desire to read every word, and with this end in view they were held till the summer vacation, when they were fully and carefully read and reread. You have undoubtedly made out your case. The weight of evidence seems to be against the belief that Whitman rode to Washington to save Oregon, and in support of your statement that his purpose was to save his mission.

The care with which you have searched far and wide for evidence is admirable, and the quantity you have gathered is surprising. Thank you very much for the use of the manuscripts and please pardon my shortcomings.

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So many people like Barrows, Nixon, Craighead, Rev. M. Eells, Rev. Dr. Thomas Laurie, Dr. W. A. Mowry, and Rev. Dr. Edwards have written upon this subject without knowing anything about the facts, that I thought one man ought to have the patience to wait till he had thoroughly mastered it before rushing into print about it, but I am now ready to publish the "final word" on the subject.

If ever the shade of any man departed to the land of spirits has had occasion to cry out, "Save my reputation from my fool friends," it is the spirit of Marcus Whitman. But for their folly in trying to make a great patriotic hero out of a commonplace man it would never have been necessary, as it is now for the vindication of the truth of history, to spread before all the world all the facts about the relations of Dr. and Mrs. Whitman and their associates, especially Spalding and Gray, the continual slanders, and backbiting, and foolish quarrels about things of no real consequence, which had disgraced and distracted the mission from its very start and threatened it with destruction when it was not yet three years old. It is without exception the most amazing story of small-souled and narrow-minded folly I have ever read, especially in view of the claims made for Whitman of greatness of mind and lofty patriotism and intense public spirit. It was these follies and not patriotism which caused Whitman's ride.

A careful examination of all the published and the unpublished correspondence of Whitman and all his associates in the Oregon Mission prior to 1843 (a matter of about 2,000 pages), shows that neither Whitman nor any of the rest of them ever wrote in it all so much as one sentence expressing the least concern about or care for the political destiny of Oregon.

After Whitman had visited the States and found the whole country aflame on the Oregon question (though not from any acts of his) he did express in some letters some interest in the matter, but not before that time.

December 7, 1857, Rev. E. Walker, who, as moderator of the meetings of the mission of which Rev. C. Eells was scribe, knew as much of the origin and purpose of Whitman's ride as anyone, wrote of Whitman to Rev. S. B. Treat, secretary of the American board, as follows: "His melancholy end seemed such as to bury all his errors and mistakes in the

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grave with him." There they should and would have remained but for the invention of the saved Oregon fiction, with its perversions and falsifications of all the real and intensely interesting history of the acquisition of the old Oregon Territory, being Oregon, Washington, Idaho, and about 28,000 square miles of Montana and about 13,000 square miles of Wyoming, or nearly one-twelfth of our national domain on this continent. But for this falsification of the history of the acquisition of that vast region by the invention and dissemination of this fiction Marcus Whitman, who was not above a third or fourth rate man, would long since have lost all special interest for me, since the true story of his life shows the correctness of what Hon. Jesse Applegate (one of the real leaders of the 1843 migration) wrote me of him. "Whitman acted well his part, but it was not a high one. * * * He was not one to lead in a great enterprise. * * * He lacked the qualities needful in a leader of men."

Since writing these pages I have learned that in the Sacramento Union of November 16, 1864, over the signature of "C." (which means S. A. Clarke, then its Oregon correspondent) there appeared the following in an account of the proceedings on occasion of the presentation of the tomahawk, with which it was alleged Dr. Whitman was killed, to the archives of Oregon.

Hon. (J. H.?) Moores, the speaker of the Oregon assembly, in the course of his remarks "Related an incident of our early history never to my knowledge before given to the public, and that was heard by him from the lips of the Rev. Mr. Spalding, another early missionary and the coadjutor of Dr. Whitman. When the Ashburton treaty was in progress, news came to the little settlement in Oregon that the Government was about disposing of the whole Northwest coast to the English, and it made a deep impression on the mind of Whitman, whose long residence had produced a sincere attachment for the land of his adoption. He appreciated its future value and importance, and looked upon its broad rivers and fertile valleys as fields for the development of population, wealth, and power. Time has realized the conjecture, which he did not live to see; but he was restless, under the impression that his favorite region might be transferred to another power, and, midwinter as it was, he undertook the dreary

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and then dreaded journey across the plains for the sole purpose to remonstrate against the act. Webster was Secretary of State, and to him he went after hastening to Washington, and asked what was the character of the negotiations. He was told that the preliminaries of the treaty were about agreed upon, and his remonstrance was met with a smile.

["Why, Doctor, you have come too late; we have about traded off the Northwest coast for a codfishery."

"But, sir, you do not know what you are doing; you do not realize that that territory you mention with a smile, almost a sneer, could make a home for millions; that its broad navigable rivers lead to an ocean whose commerce includes the Indies and the empires of the Orient; that we have fine harbors and broad bays to invite that commerce thither and offer an anchorage to the navies of the world. Then there are beautiful and fertile valleys, whose harvests will yield eventually an increase to the nation's wealth."

"You are enthusiastic, Doctor," answered the Secretary, with an easy smile. "You certainly are an enthusiast. The reports that come to us from Oregon differ materially from yours. The central portions of the continent are a barren waste, and the waters of the western slope course through a mountain wilderness or else a desert shore. The mountaineer can hunt and trap there. The tourist may sketch its snow-capped ridges, and describe the Indian in his native haunts. The trapper finds a home there."

"Sir, you have no idea of the land you sneer at. Oregon has all the virtues we claim for it. A few Americans have gone thither to develop our nation's wealth. We are far off, but our hearts are with the nation of our birth. We are pioneers, and can it be possible that our claims will be ignored, that our country can consent to trade off her territory and our allegiance to a foreign power?"]

"Dr. Whitman did not rest the question with the Secretary. He visited President Tyler himself, and left no stone unturned until he had awakened an interest in his cause in the minds of the President and a portion of his Cabinet, and a due consideration of the matter induced the final preservation of the greater portion of the Northwest Territory as a portion of the national domain."

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So much of this as I have put in brackets [ ], beginning with "Why, Doctor, you have come too late," and ending with "and our allegiance to a foreign power," I have known since 1885 was quoted on page 7 of Rev. M. Eells' pamphlet, "Marcus Whitman," etc., Portland, Oreg., 1883, prefaced by the statement (by Rev. M. Eells) that "They are taken from the Dansville (N. Y.) Advertiser of May 4, 1865, which copied them from the Sacramento Daily Bulletin."

But as I well knew there was never any such paper as the Sacramento Daily Bulletin—which fact Rev. M. Eells (who was born and has always lived in the old Oregon Territory) ought also to have known—I supposed this to be merely another of the numerous fabrications of alleged "authorities" which have been produced by the advocates of this myth, and so did not try to trace this quotation up until since finding the matter in the Sacramento Union, when the editor of the Dansville Advertiser, in reply to my letter of inquiry, wrote me that the article appeared in his paper on May 4, 1865, and that it was copied from the Sacramento Union.

Concerning this Sacramento Union article it is to be noted:

(1) That except the above-noted incomplete and improperly credited extract in the Dansville (N. Y.) Advertiser, it has never been quoted by the advocates of the "Whitman saved Oregon" tale in all their voluminous writings, which is why it has hitherto escaped my notice.

(2) That though explicitly declared to have been derived from Rev. H. H. Spalding, it is not signed by him, and so could easily have been disavowed by him and by his associates, if they had desired to do so, as not being an accurate report of what he had said.

(3) That in the same sentence in which it is asserted that the speaker of the Oregon assembly heard this tale from Mr. Spalding it is explicitly declared that it had never before been made public.

(4) That it gives no detailed statement that may be compared with contemporaneous documents as to (*a*) the real causes of Whitman's ride; (*b*) the date when he started; (*c*) the route he took; (*d*) the dates when he was at any places on the way, or when he reached the States, or when he was at Washington; (*e*) his connection with the migration of 1843.

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(5) That brief and vague as it is, it contains several absolutely false statements, all of which, except the one marked (*d*) below, Spalding expanded and published a year later in the Pacific, as follows:

(*a*) That the sole purpose of Whitman's ride was to protest to the National Government against a proposition to trade off Oregon in the Ashburton treaty; (*b*) that the only cause of his going was a report that Oregon was likely to be traded off in that treaty; (*c*) that he arrived just in time to prevent the consummation of a trade of Oregon for a codfishery on the banks of Newfoundland; (*d*) that (although it gives no dates for his departure for the States or for his arrival at any point on his journey) it says that "it was midwinter" when he undertook the journey, whereas it was early in the autumn—October 3—when he started.

(6) That four men, namely, Rev. H. H. Spalding, Rev. C. Eells, Rev. E. Walker, and W. H. Gray, knew of their own knowledge exactly what caused Whitman's ride; and that of these, Rev. E. Walker, though living in Oregon till his death, on November 21, 1877, never, so far as yet appears, wrote so much as one sentence indorsing any form of the saving Oregon theory of that ride, and that whatever Spalding and Gray talked about it, neither of them ever ventured to write or print over his own signature, so that he could be held responsible for it, anything which claimed that Whitman's ride was for any other than missionary business, till Spalding's articles in the Pacific, October 19 and November 9, 1865, which articles contain such shameless slanders of the Hudson's Bay Company and the Catholic missionaries in Oregon, and such a great number of statements that (if he were sane) he must have known to be totally false, that one is shut up to the conclusion that either he was, as I am charitable enough to believe, an irresponsible person, or else a phenomenal and totally conscienceless prevaricator.

(7) That Rev. C. Eells never in any of his many unpublished letters in the files of the American board, or in anything else which has appeared in print, ever assigned anything but missionary business as a cause for Whitman's ride, or claimed that it had produced any political effect, till his letter of May 28, 1866 (published in the Missionary Herald in December, 1866), and that as late as April, 1865, he denied to Hon.

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Elwood Evans, the historian of Oregon, any knowledge of anything but missionary business as impelling Whitman to make that ride.

Whitman's own letters of justification written after his return, in which he endeavored to defend himself from the censure of the secretary of the American board for his expensive disobedience to the order of the board of February, 1842, and in which he not only claimed all to which he was really entitled, but a vast deal more, are fully discussed in my "Fremont and Whitman book," and it only needs now to be said that in no one of them did he claim to have interviewed the President or the Secretary of State, or to have influenced in any way any negotiations about Oregon, or to have held any public meetings or addressed any such meetings held by others and designed to promote migration to Oregon, or to have printed anything in newspapers or in a pamphlet about Oregon, or that his ride was intended for any such purpose, but only that the two great objects of his ride were to save the mission from the destruction which he himself writes in these letters must have overtaken it if he had not made the ride, and to lead out a migration, or, to use his precise words, "It was to open a practical route and safe passage and a favorable report from immigrants."

An 8-page letter of Rev. H. H. Spalding to the secretary of the American board, dated as late as October, 1857 (from which nothing has yet been printed), though it has much to say of Dr. Whitman as a martyr and is bitterly denunciatory of the Catholics, and accuses them of inciting the Whitman massacre and severely arraigns the A. B. C. F. M. for not recognizing the value of Whitman's labors, and for refusing to "admit a line of this testimony" (i. e., "testimony" which Spalding had secured of persons who averred that the "Catholics were the promoting cause of that bloody tragedy" W. I. M.), "or any part of my communications in your publications" does not in all its eight foolscap pages—say 2,000 to 2,500 words—even intimate that Whitman had had anything to do with saving Oregon, or was entitled to any credit as a patriot, which is sufficient proof that as late as October, 1857, the "Whitman Saved Oregon" fiction had not begun to take shape even in Spalding's disordered mind.

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XI.—SECTIONALISM AND REPRESENTATION IN SOUTH CAROLINA.

By WILLIAM A. SCHAPER, Ph. D.,

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[The Justin Winsor Prize of the American Historical Association was awarded to the author for this essay.]

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PREFACE.

This monograph embraces the results of an investigation which was begun with the intention of studying the question of representation and sectional strife in the entire South. It was afterwards limited to one State in order to afford an opportunity for making a study of all the materials at hand and still bring the results within the compass of a doctor's dissertation. The choice fell upon South Carolina for several reasons. In the first place it afforded the freshest field for a study of this sort; for South Carolina is the least written about and the least understood of all the States that have played an important part in our history. Besides, after 1816 South Carolina became the real political leader and example of the South. Virginia more and more took second place. Nor was a brief study of the agitation of the Southern people against the national tariff policy in the period from 1816 to 1832 without influence upon the choice. It was through this former study that my attention was called to the marked sectional nature of the apportionment of representation in the South Carolina legislature, and this aroused my interest in the subject.

Limiting the inquiry to one State necessarily lessens the interest in the results and diminishes their importance. On the other hand, this delimitation has the advantage of giving the discussion greater concreteness and, it is hoped, greater accuracy in detail. For if the study had been made to include several States it would have been necessary to resort to the method of studying "types" in order to bring the results within a reasonable compass. In that kind of a treatment of the subject one necessarily does great violence to local characteristics, and it is the importance of not overlooking these that I have desired to emphasize.

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Notwithstanding the effort made to get at the facts in every instance and to rely on original sources wherever possible, it can not be hoped that every error was escaped. On the contrary, I am painfully aware that, at least as far as the writer is concerned, such a standard of accuracy may be aimed at but never attained. It is to be hoped, however, that such errors as have crept in are not of such a serious nature as to vitiate the main results or any important part of them.

In the course of this study there has been frequent occasion to enlist the services of others. These favors can not all be acknowledged by separate mention. Though only a few of them can be enumerated it does not follow that the others were not greatly appreciated.

Above all others I am indebted to Prof. Franklin H. Giddings, of Columbia University. It was his inspiration, encouragement, and kindly assistance that enabled me to bring this study to a successful conclusion. No teacher was ever more gratefully or pleasantly remembered by his pupil than Mr. Giddings is by his.

Most of the material, outside of that collected on the ground, was obtained from the Wisconsin State Historical Library, at Madison, whose staff, especially Mr. Bradley (librarian), Mr. Thwaites (secretary), and Miss Baker (assistant), gave me most valuable assistance and diminished the task by half through their intelligent and sympathetic management.

Among the many who so cheerfully and willingly assisted me in the collection of materials in the State I must mention especially Dr. Herman H. Baer, of Charleston. Dr. Baer was instrumental in placing the valuable collections in his city at my disposal, and to him I am deeply indebted for other kindnesses.

Lastly, but not the less gratefully, I must acknowledge the valuable aid given me by my long-time friend and college mate, Marcus M. Beddall, now superintendent of the Oconomowoc public schools, who assisted in reading and correcting the manuscript.

With these few words of explanation I submit the results, such as they are, of this much-interrupted study to those who take an interest in the more purely local development of institutions in the Old South, and in South Carolina in particular. Happily there is an increasing tendency among the people on

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both sides of the Potomac to take a more rational and sympathetic view of each others' history. Highly colored and distorted views, such as formerly found expression even in sources that ought to be free from such faults, are now rarely met with. However, our history books, which have been written almost entirely by Northern scholars—and naturally with a certain New England coloring—are still more or less discredited and shunned by the rising generation in the South. If our writers have not done full justice to Southern men and events in treatises that make any pretension to historical accuracy, it is due rather to a lack of full information than to any inclination to be unfair. The Southern States have not preserved their historical records as carefully as an investigator might wish they had, nor are those that do exist easy of access. Recently there has been a marked revival of interest in collecting and publishing the more important documents. It is to be hoped that the praiseworthy efforts of ex-Mayor Courtenay, of Charleston, to publish valuable manuscripts, such as the Shaftesbury papers, even if they had to be smuggled into the city yearbook, will not cease until we shall have the colonial records and the journals of the legislature in printed form in all our large libraries.

The South Carolinians had a peculiar dislike for publicity. They avoided getting into print or having their acts recorded. An outsider, who inquires into their local history, may occasionally hear such a feeling expressed, especially by the older persons, even at this day. Such a sentiment seems very quaint to a born Westerner, to whom the inclination to boom his town and his State is almost second nature. Perhaps we may strike a happy balance between the two extremes some day.

W. A. S.

UNIVERSITY OF BERLIN, GERMANY,
April 12, 1901.

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SECTIONALISM AND REPRESENTATION IN SOUTH CAROLINA.

PART ONE—INTRODUCTORY.

CHAPTER I.—THE INTRODUCTION.

South Carolina is in many respects unique. Her peculiar economic system and her peculiar social structure have given rise to many difficult political and constitutional problems. She stands related to the South in many respects as Massachusetts does to the North, as one of the fertile sources from which have spread many of the characteristic ideas and institutions of a section. Much that is typical of the South is here found in its purest and most accentuated form; whence it comes that a study of her local history often suggests the clew to the proper understanding of the South as a section. What is more, her local experience throws an interesting light on the stand that she took on national issues. It gives us a new view point from which to look at her political leaders in Congress and the stand they took from time to time in the councils of the nation. It makes her men in Congress more intelligible to us. Interesting as the State thus becomes as a field for the study of many of our economic, social, and political questions, it has been very much neglected in the past.

To understand American development we must ever keep in mind two sets of primary causes that lie at its foundation. The one we call the American environment; the other is the introduction of European people and culture. Under the expression American environment we include two quite distinct factors. One is the rude Indian culture with which the pioneers were confronted in their effort at subduing the continent. The other is the physical conditions of the country itself. The Indian was an obstacle to progress, much as the mountain ranges, forests, and desert plains were. He held in check the tide of oncoming whites in some favored localities, or turned it out of its course in others. Still, he differed from

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a natural barrier in that he was an active force, and hence different methods of procedure were required in dealing with him. He was not an isolated individual, but a member of an organization, a clan, a tribe, or even a federation, and he had to be treated as such. Nor was he altogether a hindrance. His economic system was rude, but it possessed the one great merit of being perfectly adapted to the primitive conditions of the country, and thus the colonists received many a useful hint in their work of adjusting themselves to their environment. We read in the early records of how the pioneer learned to plant Indian corn, peas, beans, and squashes in true native fashion to meet his urgent needs. Not only Indian horticulture, but his dress, mode of hunting and traveling were imitated. His hunting and trapping gave rise to a large and profitable fur trade that played an important rôle in all frontier settlements.

To analyze the expression "physical conditions," we may enumerate some of the essential elements, as the contour and extent of the land, the position of mountain ranges, the soil, temperature, rainfall, navigable waters, good harbors, waterfalls, mineral deposits, forests, fish, and game. These were the conditions which, with the Indian social system, combined to produce the American environment.

The second factor was the people themselves—the customs, laws, languages, and institutions which they brought with them, as well as their inherited tendencies, beliefs, and prejudices; their intelligence, skill, knowledge of business methods, and industrial processes and inventions; in short, all those things that are characteristic of a people in an advanced stage of society. In a word, the first step in our development was the application of European civilization to the American environment. Here, in these fragments of seventeenth-century Europe, scattered along the Atlantic coast, men of European bringing-up came in contact with a wholly new environment. From the interaction of these two factors a new product has resulted—a society, European at the start, but gradually outgrowing its Old World ways and acquiring an individuality quite its own, until to-day we can justly speak of an American people and American institutions. The term Anglo-Saxon, if it is to have any definite meaning at all, can not be applied to the United States, for people of many nationali-

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ties have mingled here from the very beginning. We may owe a larger debt to England than to any other country, yet we do not owe all to her. Other nations of Europe have contributed elements, without which we might be Anglo-Saxon, but we should not be the Americans that we are.

This development has a local aspect as well as a national one, for there is hardly one of the older States in which we can not trace on a small scale the great movements in American history. Among these the following can be clearly traced in South Carolina:

First—The original settlement.—The peculiar function of the original settlement was to gain a foothold for Europeans in the New World. In this nuclear community on the coast the process of acclimatization went on, producing a modified type of society which was better able to cope with the Indians and endure life in the wilderness. Here, in the hard school of experience, the colonists learned self-reliance and prudence. They learned how to provide for their necessary wants without the cooperation of the organized industry of the Old World to which they had been accustomed. They cleared a patch of ground or took possession of an Indian clearing and experimented with crops until they found what answered their purposes best. This was the initial step in the process of subduing a continent.

Second—The process of expansion.—The next phenomenon that we notice is the growth of a fringe of new communities as outposts on the frontier. As these grew they were assimilated to the original and the process was repeated, thus crowding the Indians one step farther back and reclaiming another strip from the wilderness. The old and the new, the East and the West, are ever present and act and react upon each other. Each successive belt in the State passed through the various stages in the process of wilderness winning by which the frontier has been pushed across the Rockies to the Pacific. The first stage was marked by the appearance of the hunter and trapper and the erection of a trading post. Then came the cow-pen-keepers and cow-drivers, as the ranchers and cowboys of the early Carolinas were called, who staked their cow-pens on the meadows[1] where the herds of deer and buffalo

[1] These so-called meadows of the up country of South Carolina were small clearings made by the Indians who periodically fired the woods in order to furnish better pasturage for their game. In fact, they were prairies on a small scale.

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had grazed shortly before. This was followed by a more settled community of farmers, who cleared more of the land and built permanent homes. To complete the picture we need to observe the more recent process of city building and the introduction of manufacturing industries on a large scale. There is an important break in this expansion of the parent community over the State, in the case of the up country, which will be considered in its proper place.

Third—The influx of foreigners.—This began soon after the colony had secured a firm foothold and continued at intervals for over a century. These immigrants represented many different nationalities. They were generally poor; many were attracted by the hope of larger liberties, the prospect of better opportunities, and the abundance of cheap lands.

Fourth—The origin and spread of slavery.—In the tidewater region we can trace the development of all the essential elements of the society peculiar to the Old South. It was a society based on slave labor and thriving on a combination of staple growing and foreign commerce. It originated and came to maturity in a limited area near the coast, from whence its institutions spread into the interior of the State and finally into the Southwest, as the staple crops suited to those regions were discovered and developed. The spectacle of two types of society—one based on slave labor, the other resting essentially on free labor—existing side by side under the same Government, we can observe in the early history of South Carolina. Such a state of affairs is incompatible with harmony and stability in a community. It resulted in a long strife, and this is another one of the underlying movements to be traced.

Fifth—The struggle for political supremacy.—In many respects, this contest reminds one of the differences between the North and the South, as the differences of the older settlements and the frontier remind us of the East and the West. At bottom this divergence was due to the fact that the State is divided into two distinct natural regions, the Low Country and the Up Country. The low country has an abundance of fertile swamp lands and has a luxuriant growth of pine and other useful timber. It produced, by the middle of the last century, large quantities of indigo, rice, and naval stores. Its good harbors and navigable streams afford ample facilities

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for commerce, so that the people were kept in constant touch with the outside world. They employed slave labor to clear the land and to produce the staple products which were exchanged for nearly all the finished goods they consumed. This section naturally centered at Charleston, which was the social and political meeting place of the colony. The governor, the colonial legislature, the courts, and the minor royal officials all resided at Charleston. The up country, or back country, as it was then called, was shut off from the rest of the world; overland communication was very slow and expensive. It was obliged to produce at home nearly all the goods it consumed. To this natural divergence between the two sections there was added a social one, in that the up country was settled by Scotch-Irish and German frontiersmen, who came almost in a body from the frontiers of Pennsylvania, Virginia, and North Carolina. They did not come up through Charleston and the old community; nor was there any considerable communication with the coast during the first fifteen or twenty years. On the other hand, there was some overland connection kept up with Richmond and Philadelphia. This made the assimilation of the new district to the parent community on the coast difficult, and as the up country soon outnumbered the low country in population, it became wellnigh impossible.

The low country had the advantage in wealth, in intelligence, and in political power, and finally its institutions triumphed. The whole struggle centers about the apportionment of representation in the State legislature. It is proposed in this sketch to trace this sectional controversy, the changes it occasioned in the political institutions, and to point out the bearing of certain economic and social forces and physiographic conditions on the question. In other words, this aims to be essentially a study of how certain social and economic forces and physical conditions found expression in the political institutions of South Carolina.

To show how these factors molded the institutions of the State it will be necessary to sketch briefly the physiography and natural resources, pointing out the two great natural regions with the border country lying between, their comparative size and location. Then it is proposed to trace somewhat in detail the progress of settlement and the location of the

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various elements of the population. This will be followed by a study of the process by which this region was reclaimed from nature, and how, by a long-continued and rather unsystematic experimentation the great staple products were discovered and perfected—products which shaped the industry as well as the political destiny of South Carolina and materially influenced the history of the entire South. With this as a groundwork, and in the light of these facts, we can trace the history of local government, of centralization, and the importance of the apportionment of representation in the State legislature.

In the course of this discussion it will become clear how the institutions, ideas, and interests of the tide-water region—the rice and indigo section—were developed, preserved, and spread; how in the defense of these interests the peculiar political tenets of the State grew up. One of these is the right of a minority as against an absolute majority. Here, under one government, was a territory divided into two well-marked natural regions, with a border strip lying between them. In 1750 the low country had a well-formed social organization, an established religion, and a peculiar system of labor and industry that suited its needs. It had a great deal of accumulated wealth, and many families of culture and refinement, whose fathers and eldest sons had been educated in the best schools of Europe. Its system of royal government had adjusted itself to the needs of the tide-water colony, and was now running smoothly. A fair system of representation had grown up. The courts all sat at Charleston, which was a convenient spot, since that was the common gathering place for social and business purposes. A system of local government by parishes had been developed, which answered very well the needs of a sparsely settled district like this, with its large plantations resembling very much the English manorial estates that took upon themselves most of the functions of local government.

At this time the up country was, for the most part, still Indian land. It was then opened up for settlement, and in less than twenty years had a population equal to if not greater than that of the low country. Its society was of the rude frontier type, with little accumulated wealth, with few educated men, and very few of the refinements of life—a com-

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munity where men lived in close touch with wild nature and were still in occasional dread of Indian massacres; where every family did its own work and supplied its wants as best it could. There was no system of local government as yet. There was but one marshal for the whole colony, residing at Charleston. To participate in the government or answer a summons to court the up-country man was obliged to travel, on foot or on horseback, from 150 to 250 miles to the capital. As a consequence lawlessness ran riot. This became the stamping ground of the horse thieves and cutthroats of all the neighboring settlements. Neither life nor property was secure. This section then demanded a share in the government. Its demand was imperative, because it was in a state of anarchy and confusion. The question then arose, Shall the low country admit these people to a share in the government on an equal footing with themselves? Under the colonial arrangement, which existed at that time, this meant the surrender of the commons house of assembly to what to all intents and purposes was an alien people—to invaders. When the State was organized it implied the surrender of the taxing power, the power of legislation, and of appointment from Presidential electors, the governor, and all State officials down to the local sheriff, to the up country. This would plainly have jeopardized the wealth, the system of labor, and all that was dear to the low-country man.

At the close of the last century two-thirds of the slaves and seven-ninths of the wealth and only about one-fifth of the white population of the State were possessed by the low country. Under such circumstances the idea of limiting the power of numbers readily developed, which was later formulated by Calhoun into the doctrine of the concurrent majority. It was then recognized as a contribution to political science; but like all new principles underlying our institutions it grew out of peculiar conditions. The principle had long been followed in practice, but it took a great man like Calhoun to see it in all its bearings and compress it into a formula. These experiences of South Carolina had a great influence in national affairs. They help to account for the stubborn contest that was waged by the Southern delegates in the Constitutional Convention of 1787, which resulted in the adoption of the three-fifths principle in apportioning representa-

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tion in Congress. Under such circumstances we should expect that the greatest contributions in the development of the doctrines of nullification and of secession would be made by men from South Carolina, and that her leaders would become the most enthusiastic champions of these doctrines. The men of the rice and indigo region of South Carolina, as well as their tide-water friends generally in the neighboring States, did not share the enthusiasm of those who would carry the humanitarian principles of the American Revolution to their logical conclusion. They were staunch patriots and loved democrocy, but it was the ancient Greek type of democracy that they had in mind, not the modern industrial kind. It was a democracy for the cultivated few, but essentially an oligarchy, so far as the great mass of the people was concerned. This may, in part, explain their fondness for the classics. When the institution of slavery, upon which the whole superstructure of Southern society rested, was attacked, and the sentiment of the civilized world seemed to be against them, the natural conservatism of the people led them to find some justification in the past for their type of society. They turnéd to the Hebrew Scriptures and to classical history and found it in both instances. But it was the Greek civilization that furnished the best parallel. It is easy to understand why the Southern mind should seek such a crutch to lean upon, when it stood almost alone in its opposition to the tide of industrialism that was sweeping over Europe and America, threatening the very existence of Southern society. There were, indeed, generous-minded Southerners who, as far as they were concerned, were ready to accept the doctrine of equality in its extremest form, but they trembled for the future. It was clear to these far-seeing men, as it was instinctively felt by the tide-water men generally, that to do away with the institution of slavery was to do away with all that the South stood for. The introduction of free labor meant a complete social revolution. It implied the destruction of the plantation system, and the loss of power and influence of the great families. Without the large estates the sons could not be sent to Oxford and Cambridge, and that life of leisure and culture which enabled the Southern gentleman to indulge his taste for oratory and politics was no longer possible.

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Chapter II.—Physiography and Natural Resources.

Wherever in America a distinctly-marked sectionalism can be traced, running through a long series of years, it will be found to rest primarily on differences of economic interest, growing out of differences of natural advantages. In no State can this be studied to better advantage than in South Carolina, because of the distinctly marked natural regions found there.

The Atlantic coast plain resembles a series of grand terraces extending from the sea to the summit of the Appalachian Mountains. In South Carolina this feature is especially well defined and regular. The sea islands and the coast, only a few feet above sea level, form the first terrace; indeed, a portion of this terrace is submerged, and forms a fringe of shallow water along the coast, the highway of the coastwise trade. Then follow in order the lower pine belt, with a maximum altitude of 130 feet; the upper pine belt, ranging from 130 to 250 feet in altitude; the red hills, from 300 to 600 feet; and the sand hills, from 600 to 700 feet.[1] Then a more decided break occurs, where the strata of more recent origin join on to the outcrop of the older geological formations. This is the lower margin of the crystalline rocks, and it marks the line along which the main falls in the rivers are located in their rapid descent from the uplands to the low coast plain beyond. Here we reach at the same time the head of navigation of most of the rivers, and the location of the first sites affording water-power, hence the most important inland cities on the Atlantic coast are located along this line, from the Hudson to the Chattahoochee. Long before the country was settled by Europeans the sites of the present cities were occupied by Indian villages.[2] Above the fall line lies the Piedmont region, having an elevation of from 400 to 800 feet; and in the extreme western corner of the State, is the Alpine country, ranging from 900 to 3,000 feet in altitude.

These lesser belts may be grouped into three quite distinct regions: The low country, comprising the sea islands, the coast, and the lower pine belt; the middle country, made up of the upper pine belt, the red hills, and the sand hills, reaching to the fall line. This is a well-marked but irregular

[1] South Carolina: Resources, Population, etc., pp. 3–8.

[2] Powell, Physiographic Regions of the United States, pp. 73–78; Swain, Report on Water-Powers, Census of 1880, Vol. XVI, p. 667.

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line running across the State from a point where the Great Pedee enters it to Columbia, and from that place to Hamburg on the Savannah River, a few miles above Augusta, Ga. All north of this line is called the up country or Piedmont region. The term low country is now frequently used to designate all below the fall line, making no middle division. In strict usage, however, it should include only the first tier of coast districts. When not otherwise stated the term is so used in this paper, and all beyond the original coast districts is called the up country or back country.

On closer examination we can see important differences in geological formations, climate, soils, and in the plant and animal life of these regions. The middle country and the low country include the more recent geological formations—Cretaceous, Eocene, and Pliocene. Geologists have shown that the land below the fall line was formed by the delta deposits of the original mountain streams—the ancestors of the modern rivers of South Carolina. The materials are supposed to have come from the Appalachian plateau, which was worn down to its present form by erosion going on through ages, and indeed is still in progress. This action of the rivers in conjunction with the irregular movements in the earth's crust itself, causing alternate risings and sinkings of portions of the land and of the sea bottom, will account for the sea islands, the intricate network of swamps, inlets, creeks, and arms of the sea surrounding patches of comparatively high and dry land of which the coast is made up; and many other features, peculiar to this region, that need not be described here.[1]

The sea islands are an important part of the State, although they comprise only about 800 square miles, and parts of that area are made up of worthless salt marshes. They are strung along the coast from the mouth of the Savannah River to Winyah Bay—the point where the chief rivers of the State find an outlet to the sea. The islands are largest, highest, and most numerous about Port Royal entrance, where they are arranged in tiers from three to four deep. From this point they diminish very rapidly in number and importance in either direction.

[1] Shaler's United States of America, Vol. I, p. 69; South Carolina, Resources and Population, etc., pp. 3-194; Ramsay, History of South Carolina, Vol. II, pp. 199-351; Mill's Statistics of South Carolina, pp. 130-133; Bruce, Economic History of Virginia, Vol. I, pp. 71-339.

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They reach a maximum altitude of 25 or 30 feet, with the highest point usually on the outer rim. The soil is a fine sandy loam, resting on a subsoil of yellow clay, and sand of a fine texture. In the salt marshes a black vegetable mold is found, underlaid with blue clay and marl. The vegetation is semi-tropical. The palmetto, cypress, live oak and magnolia thrive here. For only six months of the year, from the middle of December to the first of February, is plant growth checked at all by the weather. These islands are especially noted for the production of a long, silky-fibered variety of cotton, which received its name from this region. The climate is inclined to be malarial, especially about the large reedy swamps. The coast adjoining these islands, and extending inland for a distance of 10 miles, is essentially like them in every respect. The two areas taken together make up the exposure of the post-Pliocene formations. The coast line above Winyah Bay has a character of its own. It is a hard, sandy beach, with no marshes along its border and no islands to shut it off from the ocean. It is of little value for agricultural purposes.

Next to the coast region lies the lower pine belt. It is about 50 miles wide and is divided into two portions—the part below the head of the tide-water, and the part above tidal influence. The lower part abounds in fresh-water swamps, where the extensive rice fields are located. The upper belt is covered with long-leaf pine, which has given rise to the turpentine farms.

These forests once furnished pasturage for large herds of cattle. It was to these two regions—the coast, including the sea islands and the lower pine belt—that colonial activity was largely confined. No discussion of this district, the theater of colonial enterprise, would be at all complete without pointing out the exceptional facilities for water communication that we meet with here. There are good natural harbors along the coast, among which are Savannah, Port Royal, Charleston, and Georgetown, which offer ample facilities for foreign commerce. Besides these there are innumerable navigable inlets and rivers, forming an intricate system of inland and coastwise water communication. This feature was a great factor in the early settlement of the State and contributed its share toward the development of Carolina's extensive foreign commerce and coastwise trade. The first comers,

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realizing the value of good shipping facilities, located their plantations on some navigable stream or inlet. When the new townships were laid out in 1730, to attract settlers, each was so located as to have a water frontage.[1] Thus the first step in the development of staple farming and foreign commerce had been taken. In recent years—since 1870—portions of the coast having good transportation facilities have been devoted to truck farming, a new industry, which has already attained enormous proportions.

The upper pine belt roughly marks the region known as the middle country. It ranges from 20 to 40 miles in width and from 130 to 250 feet in altitude. The soil is a light sandy loam, underlaid with clay, making excellent cotton land. From this fact this region is sometimes called the central cotton belt. Large tracts are still covered with long-leaf pine, oak, and hickory. It has a stimulating, healthful climate, which has in recent years begun to attract health seekers during the winter months.

On the upper margin of this belt are the red hills, extending from the Savannah River to the Santee. They are covered with a heavy red clay on which the hickory and oak thrive well. They also include the fertile ridge lands of Edgefield district.

The sand hills form the dividing ridge between the Piedmont and the middle country. They attain an altitude of from 600 to 700 feet, and a maximum width of 30 miles in Lexington district. It is a mountainous country, as the name "pine barrens," by which it is generally known, indicates. The high hills of the Santee, however, are of considerable interest, because of their elevation and healthfulness. They used to furnish a safe retreat during the hot summer months to the lowland planters. The sandy soil of this tract was formerly supposed to be wholly worthless, but in recent years it has been found well suited to melon raising. This has given rise to an extensive Southern industry, which, however, has not taken on the proportions in South Carolina that it has in the corresponding region in Georgia.

The up country is a portion of the primitive Appalachian plateau, and includes the outcrop of the older geological strata

[1] Ramsay, History of South Carolina, Vol. I, p. 109; Carroll, Historical Collections of South Carolina, Vol. I, p. 295; Vol. II, pp. 124-220.

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belonging to the Archean era. We find here exposures of gneiss, clay, mica and tale slates, granite, porphyry, and limestone. This variety of rocks by disintegration has given rise to a considerable range of soils, all, however, having clay as one of the principal constituents. The surface differs from the flat, monotonous lowlands in the pleasing variety of contour, ranging from gentle rolling prairies to steep hills and rugged mountains. The rainfall is unusually heavy, 60 inches on an average per year, and the climate is remarkably uniform, rivaling that of California in many respects. In the state of nature the country was covered with forests of shortleaf pine and various deciduous trees, as oak, hickory, maple, and the like. There were also extensive tracts covered with cane growths, almost impenetrable in their denseness and reaching a height of from 20 to 30 feet. Here and there large meadows were found where the Indians[1] had kept the forests down by periodical fires to furnish better pasturage for the herds of deer, buffalo, and elk that were once as marked a feature of these Carolina prairies as they later were of the great plains of the West. This region is well adapted to fruit growing. Many varieties thrive here, and are seldom injured by frosts, as they so frequently are near the sea. In the early days the small grains, flax, hemp, and tobacco were produced. Large herds of cattle and horses were annually driven to the markets of Philadelphia, Richmond, and New York. Later, cotton and corn became the leading products in the larger part of this section.

From this brief sketch of the natural conditions in South Carolina it is clear that its chief interests were destined to be mainly agricultural and commercial. This is particularly true of the low country. For these interests it has excellent advantages. It is not likely to become preeminently a manufacturing section, because it lacks two of the most essential natural advantages, abundance of coal and iron, to say nothing of the climatic disadvantages. The up country, however, has an abundance of water power, which is now being rapidly developed to operate cotton and oil mills through the medium of electricity. This fact, taken in connection with its nearness to the cotton fields, and its relation to the coal and iron mines of Alabama, Georgia, and Tennessee, com-

[1] Logan, History of Upper South Carolina, pp. 1-22; 122-149.

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bined with its mild climate, promises to give rise to an important line of manufacturing industries; in fact, considerable progress has already been made in that direction. There are some deposits of iron as well as traces of other minerals in the up country. This being a landlocked region, in the early days, before roads were constructed, and before cotton brought with it the plantation system, it had developed a system of household manufactures in which native iron was used. Just after the Revolution it was often referred to as a "manufacturing section." The only important manufacturing business that has ever appeared in the low country is the phosphate industry engaged in making commercial fertilizers; but that shows signs of decline because of the richer deposits of phosphate rocks discovered in Florida, Tennessee, and elsewhere.

When the colonists arrived it is clear that the great resources of South Carolina were: Its game, the basis of the fur trade; its pine forests, yielding tar, pitch, turpentine, lumber, and ship timber, so much in demand in England; its pastures, affording fodder for herds of horses, cattle, and hogs in great numbers; its fertile soil, which yielded in course of time large quantities of rice, indigo, and cotton, with corn and the small grains in considerable quantities. To this must be added its good harbors and numerous navigable streams, making it easy to keep up a constant intercourse with the world.

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PART TWO.—THE COLONY.

CHAPTER I.—THE SETTLEMENT OF SOUTH CAROLINA AND THE CHARACTER AND DISTRIBUTION OF THE VARIOUS ELEMENTS OF HER POPULATION.

The first permanent settlement in South Carolina was made at Charleston about 1670. This was the beginning of that original community which gradually expanded into the larger colony, the State, and finally became a part of the nation. The process of expansion was a slow growth—an increase from within. From this point of view the influence of the constantly widening "settled area" over the ever-receding "new settlement" on the frontier acquires great significance. The parent community in and about Charleston was the headquarters of the colony. On the one hand, it was the point of contact with Europe and the outside world; on the other, it served as a base of operations in the extension of settlement. It was the gateway into the wilderness. Through it the motley procession of people entered, to which the South Carolinians of the low country, the middle country, and portions of the up country trace their descent. In this procession we see the Englishmen, representing various classes of society and occupations, taking the lead and setting the pace. Scattered among them we see at varying intervals little groups of Irish, Scotch, Welsh, Swiss, German, French, Dutch, and a generous sprinkling of Africans everywhere, not to forget the refugees from Acadia and the West Indies that trailed on behind. The importance of the older community in giving unity and coherence to this heterogeneous mass of people in an undeveloped country can hardly be overestimated. It is only emphasized by the exceptions which occur in the settlement of the up country. This will be explained in its proper place.

Extensive preparations were made for the planting of this new colony. Over a century of experimentation in schemes of colonization had passed since the ill-fated French settlement at Port Royal. Meanwhile the course of events had decided that neither Frenchmen nor Spaniards but Englishmen were to colonize this region. The former failures as well as the

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English successes in the Barbados, in Virginia, and the other American colonies aided the proprietors in this instance, as the minute directions given to the leaders of the first expedition clearly show.[1]

The region south of Virginia, extending from 31 to 36 degrees north latitude and westward within these parallels across the continent, was granted, with extensive powers by Charles II in 1663, to eight of his courtiers and adherents. In 1665 a second charter was granted, extending the grant southward to the Spanish frontier in Florida. Seven years had passed and only a foothold had been secured on the Cape Fear and the Chowan, in what is now North Carolina, when the proprietors determined to lay the foundation for the settlement of their extensive possessions on a grand scale. The philosopher Locke, who was a friend of the Earl of Shaftesbury, one of the proprietors, was engaged to draw up a form of government, known as the fundamental constitutions. Although this scheme was never put into full operation, for the fatal reason that it provided for more officers and titles than there were persons to receive them, to say nothing about other defects, nevertheless it had a certain influence that must not be overlooked. Its aim was to establish a landed aristocracy in South Carolina. In the words of the proprietors, "That we may avoid a numerous democracy."[2] It contemplated just such a society as we should suppose a theorist, limited by the tastes and interests of the English aristocracy of the seventeenth century, would be likely to devise. In other words, it was the English régime in miniature, with all its lines hardened and the irregularities left out.

The land was to be divided into counties of exactly 480,000 acres each. Each county in turn was to consist of 8 seigniories of 12,000 acres each, the possessions of the lords proprietors; of 8 baronies of 12,000 acres each, to be divided among a landgrave and 2 caziques, allowing 4 baronies to the landgrave, and 2 to each one of the 2 caziques. The rest of the county, or 288,000 acres, was to be divided into 4 precincts, and each precinct into 6 colonies. This was to be the people's share, or rather the possessions of the freemen. Any lord of a seigniory or barony could lease a portion of his estate for a

[1] Rivers, Sketch of the History of South Carolina, Appendix.
[2] Ibid., preamble to the fundamental constitutions.

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term of years, and if it contained more than 3,000 acres it could be erected into a manor. The lord of a seigniory, barony, or manor had jurisdiction over his leetmen in both civil and criminal cases, and no vassal could remove from the lord's estate without his consent. The nobility was created by the lords proprietors and made hereditary. The titles and privileges of the two orders were inseparable from the estates. This plan was to be rigidly followed in each county.

The political arrangements were so framed as to make the power of the nobility and the lords proprietors permanent and supreme. The oldest surviving proprietor was to be the governor. The real governing body, however, was the grand council, made up of the governor and the remaining lords proprietors, or their deputies and 42 councillors of the proprietors' courts, who were so chosen as to give the nobility the preponderating power and influence. This body had the power to declare war, make peace, treat with the Indians, to control the military and naval forces, to administer the revenues, and propose all matters of legislation. This general council was to meet every month or oftener, as necessity required. There was to be a biennial parliament made up of the lords proprietors, the landgraves, and the caziques, and one freeholder chosen by the freeholders of each precinct. An elaborate system of courts was also devised in which the power of the nobility was likewise made supreme. There was to be a state church, subject to the civil authority, but dissenters were expressly allowed freedom of worship.

The proprietors realized that this complicated system could not be put into operation at once. They directed that as far as may be it should be adopted, with certain temporary arrangements to supply the deficiencies for the time being.

In order to induce people to settle on their lands the proprietors offered to any free person above the age of 16 years who should arrive in Carolina before the 25th of March, 1670, 150 acres of land and 150 acres additional for each man servant over 16 years of age, and 100 acres more for each woman servant and each man servant under 16 years of age that he might bring with him. All servants were to have 100 acres apiece when their terms of service expired. Persons arriving later than March 25, 1670, were to get correspondingly less land. The only condition imposed was that after twenty

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years each landholder was to pay the proprietors a yearly rental of 1 penny an acre for the land he had received.[1]

The first expedition sent out was composed of three vessels carrying several hundred colonists and provisions for eight months. Mr. West was put in charge of the fleet until it should reach the Barbados, where Governor Sale was to take command. West was ordered to take on board twenty or twenty-five servants on the proprietors' account if they could be procured.[2] We learn from Mr. West's letter that the passenger list of one of the vessels included 16 masters owning from 1 to 10 servants—63 in all—and 13 individuals without any servants.[3] A year later Sir John Yeamans brought to this settlement a number of negro slaves from his plantation in the Barbados.[4] Soon after this we find mention of captive Indians held as slaves.[5] Thus we find at the start all the elements of the fully matured Southern society. The master who started out with several servants, or perhaps slaves, corresponds to the large planter of later times who owned thousands of acres of land and hundreds of slaves. The man who started without slaves to aid him is typical of the mass of the people who owned small tracts of land and a few slaves or no slaves at all. The poor man who could not pay his way across the ocean is still found in the later colony as the indigent poor class that eked out a bare existence or relied on public charity for a living. The real labor force at first was the indented servant class. This was soon supplanted by Indian and negro slaves, and finally was entirely displaced by the latter.[6]

As soon as the first settlers had made a start, others followed to swell the numbers in the new settlement. The first accession was a small colony of Englishmen from the Barbados, led by Sir John Yeamans, who were given grants of land in 1671. Three years later some Dutch colonists from New York settled on St. James Island. In 1679 Charles II fitted

[1] Rivers, Sketch of the History of South Carolina, Appendix, p. 348.

[2] No passenger was to be allowed to take a servant until the proprietors had procured their full number.

[3] Charleston Year Book for 1883, pp. 365–367.

[4] Calendar of State Papers (Colonial), 1669–1674, p. 36; Rivers, Sketch of the History of South Carolina, p. 109.

[5] Ibid., p. 111.

[6] By 1721 the poor had become burdensome, and their care was assigned to the parishes. See Cooper, Statutes at Large of South Carolina; Whitney, Government of the Colony of South Carolina, pp. 70–72.

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out two small vessels at his own expense to transport a number of Huguenot refugees to Charleston. These were assigned lands on the frontier, then not far from the coast. In 1696 the members of the Congregational Church at Dorchester, Mass., removed with their pastor to the neighborhood of Charleston.[1] In 1708 the population was officially estimated at 9,580. The following interesting categories were made:[2]

Free men	1,360
Free women	900
Free white children	1,700
White men servants	60
White women servants	60
Negro men slaves	1,800
Negro women slaves	1,100
Negro children slaves	1,200
Indian men slaves	500
Indian women slaves	600
Indian children slaves	300
Total	9,580

In 1715 about 500 Irish came over at their own expense to occupy the lands lately vacated by the Yamassee Indians, in the vicinity of Port Royal. These lands had been laid out into baronies, which displeased these immigrants so much that they soon scattered, many seeking homes in the Northern colonies.[3] In 1719 the long standing quarrel between the proprietors and the people took on a serious aspect, resulting in the purchase of the proprietors' claims by the Crown. The colony was then given a royal form of government similar to that of the other royal colonies in America. The proprietors had undertaken the planting of the colony as a business venture. They had invested large sums of money in transporting the people and supplies, and in furnishing the needy with tools, seeds, stock, and other necessaries.[4] In return they had expected large immediate gains. In this they were disappointed. The correspondence with their governors and other officials is filled with complaints on account of the large

[1] At this writing there is an organization at Charleston known as the Circular Church, on Meeting street, which traces its origin to this migration. It is one of the very few Congregational churches in South Carolina.

[2] Rivers, Sketch, etc., p. 232.

[3] South Carolina, Resources, etc., pp. 381-384.

[4] Rivers, Sketch, etc., Appendix; State Papers (Colonial), 1669-1674, p. 86; 1674-1676, p. 240.

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debts contracted, poor returns, nonpayment of quitrents, and the constant clamor of the settlers for more aid.[1] Accordingly their policy became less liberal. With the transfer of the colony to the Crown, a new phase in the settlement of this region began. By 1729 matters were definitely settled, and South Carolina was legally separated from North Carolina. In the instructions to Robert Johnson, the governor, dated July, 1730, this interesting bit of information is given us:

> Whereas it has been found by long experience in our province of New Hampshire and Massachusetts Bay, that ye settling of such persons as were disposed to become planters there in townships doth redound very much to their advantage, not only with respect to ye assistance they have been able to afford each other in their civil concerns, but likewise with regard to the security of ye neighboring Indians.[2]

Therefore it was proposed to try the same plan of township settlements in South Carolina. Instructions were given to lay out eleven townships on the "frontier," two on the Altamaha (now in Georgia), two on the Savannah, two on the Santee, and one each on the Wateree, Black, Pedee, Waccamaw, and Paupon.

A protest was made against the very large tracts granted by the proprietors to favored individuals. It was observed that these extensive grants had hindered settlement. Consequently in case such lands had not already been taken up and improved, the title to them was to be forfeited in case there was any conflict. Each township was to be a square, containing 20,000 acres and fronting some navigable stream. The land was to be laid out in 50-acre lots, and granted to settlers in proportion to the size of the family and number of slaves owned, allowing one share per head. For the first ten years the land was to be rent free. After that time had elapsed each owner was to pay a quit rent of 4 shillings for each 100 acres he possessed. All the inhabitants were granted equal rights to the river, equal shares of "the better and the worse lands," and no man's share was to have more than one-fourth water frontage. Whenever 100 families should have settled in a township, it was to be organized into a parish, and, like the

[1] Public Records of South Carolina, MSS., vol. 1, p. 59; State Papers (Colonial), 1674-1676, p. 240.

[2] Public Records of South Carolina, MSS. Vol. XIV, pp. 147, 214. Carroll, Historical Collections of South Carolina, Vol. II, p. 121. Gregg, History of the Old Cheraws, pp. 42–46.

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original parishes, it was to be allowed to elect two members to the general assembly. A town 6 miles square was to be laid out and owned in common by all the settlers until it should be laid off into shares and distributed among them. Three hundred acres were to be reserved near the town as a common forever.[1]

This plan seems to have been followed, with some variations, in establishing settlements on the frontier thereafter. There were many obstacles in the way of carrying out this scheme, because the land claims had been stretched by the old settlers so as to include particularly desirable locations along the navigable waters.[2] Then, too, the surveyor-general, backed by the governor and council, claimed his regular fee for locating and plotting the lands. This the commons held was unreasonable, as the fees would amount to £25,000. Meanwhile Mr. Purry, a Swiss adventurer, had visited the colony and secured a contract by which he was to receive £400 for every hundred settlers he should induce to come in the next two years. Through his flattering accounts of the country he succeeded in persuading 320 of his poor countrymen to emigrate. He was allowed to select 40,000 acres on the Savannah River for them, and a town named after him was at once laid out as required. In 1733 a colony of Scotch-Irish located on the Santee tract in Williamsburg Township. Two years later a band of Germans settled above the Scotch-Irish in Orangeburg district. A year later a number of Welsh from Pennsylvania settled on the Pedee tract, Queensboro Township, and soon after others of their countrymen from across the sea joined them here.[3] In 1750 Saxe-Gotha Township was laid out (in Lexington district) and settled by Germans. The same year some Quakers from Ireland settled at Camden. After the battle of Culloden many of the defeated Scotch found their way to this country.

[1] There is no evidence that an attempt was made to introduce the organization and government of the New England township. If such an attempt was made, it failed, as a similar one made since 1865 has failed. We might infer from the instructions to Johnson that the New England form of township government was introduced since his attention was especially called to its advantages, but I think that there was to be no local government until the township was erected into a parish.

[2] Public Records of South Carolina, MSS., Vol. XV, pp. 198–203.

[3] South Carolina Resources, etc., p. 383; Ramsay, History of South Carolina, Vol. I, pp. 104–110; Hewat, History of South Carolina, Vol. II, pp. 26–63; Force, Tracts, Vol. II, No. XI; Gregg, History of the Old Cheraws, p. 31.

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These enumerations show a rapid influx of foreigners in the period following 1730. A greater prominence is given to the foreign element, because our information concerning arrivals must be gleaned from the journals of the legislature and the official correspondence. As the foreigners generally came in groups and under circumstances requiring official action, more is known about them than about the English immigrants. There are scattered references to them, however, in the official correspondence, especially to persons of some note who received grants of land. This class was naturally favored by the proprietors and their successors, the royal officials, because they possessed the capital so much needed in the development of the new country. Then, too, ties of sympathy, of relationship, of religious belief, of political opinion, all tended to bring this class into close connection with the home government and to a position of leadership and influence in the colony.[1] Although in the minority, it managed to control affairs, as we shall see. The negro population soon outstripped the white in point of numbers. This element can be best treated in another chapter in connection with the development of the plantation system, with which it was closely connected. To that chapter will also be deferred the discussion of the indented servant class and the Indian slaves.

Now let us turn our attention more particularly to the process of settlement and the manner in which the population had distributed itself. The most striking fact to be noticed is that the main theater of colonial activity was confined to the low country, a strip along the coast between 50 and 75 miles wide. A beginning was made in the middle country by the Welsh on the Pedee and the Germans at Orangeburg and at Saxe-Gotha. These mark the extreme limits of the frontier. The up country was held by the Cherokee Indians until 1755, when they ceded the larger portion to the King by treaty. Settlement began at once. This event marks the beginning of a new phase in the settlement of South Carolina. The last communities of any size established by people coming through Charleston were two outposts near the Savannah River, founded in 1764. One was called Londonderry Township,

[1] Public Records of South Carolina, MSS., Vol. I, p. 47, II, p. 284; VIII, p. 24. Calendar of State Papers (colonial), 1669–1674, p. 294; 1674–1676, pp. 241, 243, 402, 584. Carroll, Historical Collections, Vol. II, p. 411.

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located in what later became Edgefield district. It was settled by a small colony of German immigrants.[1] The other, known as New Bordeaux Township, was located at Long Cane, a little to the north of the other. This was settled by 212 French Protestants.[2]

In speaking of the low country as the "settled district" we do not mean that all the land was improved, or even taken up, or that every planter had near neighbors. That would be a misconception of that region even at the present time. It is important that we should know the actual distribution of the population in this section because of the great influence that this fact has had on the institutions and the industries of the State. A number of causes brought about this peculiar distribution, among which the following may be specified: First, protection against the Spaniards; second, navigable waters; third, healthfulness or unhealthfulness of certain localities; fourth, lands adapted to certain products; fifth, the large grants and extensive swamps.

In the first place, it must be remembered that the colony was kept in close touch with the mother country; things were engineered in England. As we have noticed, elaborate schemes for promoting the settlement of the colony were from time to time projected and tried. These rarely worked just as they were supposed to work by their promoters, but they nevertheless gave a certain direction to the movement.

After careful consideration, the proprietors had selected Port Royal as the site of the first settlement. When the first expedition landed there in 1670, the colonists were soon persuaded that it was too much in danger of attack by the Spaniards in Florida and their Indian allies in the immediate vicinity; so they removed to the neighborhood of Charleston. The present site of Charleston, which was soon after selected for purposes of security and as a good landing place for large vessels, is easily defended from attack by land or sea. It is a narrow neck of land between two deep rivers—the Ashley and the Cooper. In colonial days the town was completely surrounded by a wall and fortifications.[3] The entrance to the

[1] Bernheim, German Settlements and the Lutheran Church, pp. 56–174.

[2] Collections of the Historical Society of South Carolina, Vol. II, p. 75.

[3] A bit of the old wall is still in position on Calhoun Place, near the Citadel, now in the heart of the city.

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harbor is within easy range of the guns on the mainland and on the numerous islands that guard it. The proprietors were very solicitous that the main town should be built on a high place some distance up a navigable river, and therefore out of danger of pirates and enemies.[1] Not being on the ground, they did not realize that there is no point along the coast that is more than a few feet above sea level, and as for healthfulness, the nearer a place is to the open ocean in this region, the healthier its climate. Mount Pleasant, Sullivan's Island, Beaufort, and other points on the beach are now much frequented because of their healthfulness. It is a well-known fact that the white population tends to concentrate near the seashore all along this low coast for the same reason. This could not have been foreseen by the promoters of the colony. Their plan in general was a wise one, but it was based on English rather than local experience. In England it was true that a place somewhat removed from the seashore was higher, more healthful, and more secure against attack from pirates.

Charleston was then selected, mainly on account of its natural defenses, as the headquarters of the colony, and it retained its supremacy as a social, political, and commercial center throughout the colonial period, and, indeed, long after that. If the question of locating the chief town had been decided upon the merits of harbors alone, Port Royal would have been selected, as the proprietors had directed. Once established, it would no doubt have remained there.[2] It was well for the colony that its founders laid so much stress on the defenses of its capital, as the subsequent experience with the pirates and the Spaniards, who stirred up the Indians, clearly demonstrated, to say nothing of the importance of the defenses of Charleston during the Revolutionary war.

The influence of navigable waters on settlement comes up in various connections. It was noticed that the frontier line was pushed considerably farther back into the wilderness along the navigable streams. We frequently meet with directions in the instructions against allowing anyone to get exclusive control of the water frontage, while new settlements were always located with reference to it. We learn

[1] Rivers, Sketch of the History of South Carolina, p. 129.
[2] South Carolina, Resources, etc., p. 663.

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from the interesting letters of Eliza Pinckney that boats rowed by dusky slaves, who plied their oars to the cadence of some tuneful melody, were the regular means of conveyance. People from far and near came to Charleston to attend church in these family boats.[1] Nothing could show the importance of water communication better than this quaint sketch by Governor Glenn in 1751:[2]

> Notwithstanding we have few ships of our own, Cooper river appears sometimes a kind of floating market, and we have Numbers of Canoes, Boats and Pettygues that Ply incessently, Bringing down the Country Produce to Town, and returning with such necessarys as are wanted by the Planters.

This becomes still more significant when we remember that South Carolina produced only raw materials and consumed imported goods very largely. This made well-located lands valuable. In 1731 lands were worth £200 that could have been bought for a crown forty years before.[3]

A healthful location was an important consideration with the proprietors and colonists. There seems to have been considerable apprehension lest the sickliness of the climate should destroy the colony's usefulness. The experience of many of the newcomers certainly warranted a great deal of precaution. Accordingly the high sandy spots were at first selected; but when it was discovered that rice thrived best in the marshes, these lands were eagerly sought for, and negro slaves were employed to clear and cultivate them.[4] These localities became the possessions of the wealthy slaveholding planters, and were quite different from the sandy, elevated tracts in the neighborhood where the poor people lived. To this day the ruins of the old baronial-like mansions mark, in a few localities, the places where this proud slave society once flourished.

One of the most persistent influences at work in the development of institutions in South Carolina has been the scattered condition of the planters in the low country, due primarily to the large land grants and the existence of extensive impenetrable swamps. According to the tax returns of 1720 the average plantation included nearly 900 acres; in one parish

[1] Ravenel, Eliza Pinckney, pp. 42, 43, 242.
[2] Public Records of South Carolina, MSS., Vol. XXIV, p. 313.
[3] Carroll, Historical Collections, Vol. II, p. 130.
[4] Ibid., Vol. I, p. 326.

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the average was as high as 2,792 acres.[1] The fundamental constitution provided for grants of from 12,000 to 48,000 acres.[2] Many of these grants were allowed. This made the distance from one plantation to another very great. In the parish of St. Philips, including Charleston, there were, in 1720, 283 taxpayers scattered over 64,265 acres; on James Island, opposite the city, there were only 42 on 117,274 acres.

The large swamps scattered all through the low country in the same way tended to keep the planters isolated. This made road and bridge building very difficult and expensive. The planters are still isolated in this way, and this has always been a serious difficulty in providing a system of public schools and local administration. A ride through this section reveals a succession of open cultivated fields and large swamps, covered with dense pine forests and undergrowths of dense thickets. These still shelter considerable game. The deer, bear, and wild boar are hunted during the winter months. On account of its inaccessibility some of this land had, until recently, not been entered in the land office.

These conditions have had a strong individualizing and sectionalizing tendency, in that institutions suited to the needs of the rest of the State were entirely unsuited to this section, and vice versa. The English authorities pointed out some of the evils of a widely scattered population when the tendency to spread was first noticed. The proprietors advised against it again and again. They even went so far as to take measures intended to keep the settlements compact.

The first influences that tended to disperse the population were the Indian trade and cattle raising. As soon as this was observed certain restrictions were placed on these pursuits, but generally without producing any marked effect.[3] At the outset, however, when cattle raising depended on the importation of breeding cattle, the proprietors had an effective check in their hands. They refused to send any more cattle when the colonists asked for them, saying that they wished not to encourage grazers, but planters.[4] This extract

[1] Hewat, History of South Carolina, Vol. II, pp. 26–29; State Gazette of South Carolina, Aug. 17, 1786; Public Records of South Carolina, MSS., vol. xxx, pp. 189–190, Vol. IX, p. 23.

[2] Hewat, History of South Carolina, Vol. II, p. 28; Calendar of State Papers (Colonial), 1674–1676, pp. 241, 243, 400.

[3] Rivers, Sketch of the History of South Carolina, p. 54.

[4] Chalmer's Political Annals of the United States, in Carroll's Historical Collections, Vol. II, p. 299; Calendar of State Papers (Colonial), 1669–1674, No. 1277.

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from an agreement made with certain Irish settlers in 1792 shows the policy of the proprietors very well:[1]

> It is required of them in order to their better settlement that they plant together in towns, and build not their houses straglingly one from another, such solitary dwellings being uncapable of that benefit of trade, ye comfort of society, and mutual assistance which men dwelling together in towns are capable of giving one another.

Similar conditions were inserted in some of the large land grants. The recipients were required to build a town on the land within five years of at least thirty houses and containing at least six score persons.[2] There is no direct evidence that any such towns became permanent villages. We know that some were laid out and that a few were inhabited for a time, notably Purrysburg, on the lower Savannah, and Queensborough, the Welsh township, on the Pedee. At the latter place lots were advertised for sale as late as 1751. Natural conditions and economic interests were too powerful, however, to be counteracted or controlled by official regulations. The ready-made institutions that the proprietors attempted to force upon the colony gradually adapted themselves to the peculiar environment of this region or disappeared entirely through disuse. Writers who are not familiar with the natural conditions in the low country lament the fact that the New England township system has not been introduced long since.[3] That it has not been introduced is regarded as evidence of a lack of political sagacity in the South Carolinian, while the development of the admirable town-meeting plan in New England is looked upon as an indication of superior political capacity in the New Englander. The evidence presented in the preceding pages shows clearly that this is a fallacy. Institutions are the outcome of a slow process of development, brought about by the interaction of a great variety of forces, among which are physiographic conditions, economic interests, and social forces. The advantage of small, compact local units was understood by the promoters of the colony from the beginning. Repeated attempts were made to force their growth in the low country, but all to no avail. Nature offered too great an obstacle, and so the institution failed to take root.

[1] Rivers, Sketch of the History of South Carolina, pp. 113, 365.
[2] Calendar of State Papers (Colonial), 1674–1676, pp. 241, 243, 402, etc.
[3] Fiske, Civil Government, p. 74, 94.

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Before tracing the settlement of the up country let us get a clear picture of the society that had developed in the low country. By the middle of the eighteenth century the colony began to show signs of maturity and a certain individuality. It is a curious fact that an exact counterpart of this society had developed in the Barbados and other West India colonies before the founding of Charleston. The main features of the history of the Barbados, especially, is strikingly like that of South Carolina.[1] There was the same factional strife, in which the body of the people, represented in the lower branch of the legislature, took sides against the wealthy planters and merchants, led by the governor and the council. In this respect the royal and proprietary colonies were all very much alike. The industrial development of the Barbados was also very much like that of the Carolinas. In both it began with a struggle to provide a sufficient food supply. This gradually changed to staple growing for export and the importation of finished goods for consumption.

Many of the islanders afterwards settled in South Carolina, among whom were men like Sir John Yeamans and James Colleton, who became governors of the colony and were influential in shaping its development.[2] From the official correspondence concerning the Barbados we learn that there were four classes of people on the islands:[3] Freeholders, paying yearly one ear of indian corn to His Majesty; freemen, who, having served out their time and gained their freedom, worked for wages; white servants, whose time had not expired; and negro slaves brought from the coasts of Guinea, Carmantin, or Madagascar. In all there were 21,725 whites and 32,473 negroes in 1676. In 1816 a traveler in the Barbados observed[4] that besides the great number of hospitable mansions found on the large plantations, many humble dwellings attracted the visitor. These were the cottages of the poorer class of white people, obscure individuals remote from the great class of the planters and merchants, who gain a livelihood by cultivating a small patch of ground and raising poultry for

[1] Poyer, History of the Barbadoes, p. 201; Froude, The English in the West Indies; Père Labat, Nouveau Voyage aux Isles de L'Amerique.

[2] Rivers, Sketch of the History of South Carolina, p. 114; Calendar of State Papers (Colonial), 1696-1674, pp. 44, 326, 620.

[3] Ibid., 1674-1676, pp. 348-350.

[4] Pinchard, Notes on the West Indies, Vol. I, p. 309.

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the market. They were descended from Europeans, but from misfortune or misconduct on the part of some of their ancestors they were reduced to a state not much superior to that of the free negroes. This numerous class of the inhabitants, between the planters and the negroes, formed a striking feature, distinguishing the Barbados from the more recently settled colonies. They had no precise knowledge of when their ancestors first arrived in the islands. Through several generations they had lived there, and, regarding them as their native and only abode, they did not, like their wealthy neighbors, look to England as another and a better home.

These descriptions fit South Carolina exactly. What was observed by the travelers in the Barbados in 1816 had been pointed out a century before by others.[1] South Carolina had reached that stage by 1739, as we learn from the letters of Eliza Pinckney.[2] The conspicuous feature of that society was its three classes—the *wealthy planters* and *merchants*, the *poor whites*, and the *negroes*. The negro slaves and the white servants served as the mudsill of the social structure. They did all the hard work incident to the opening up of a new country. They cleared the malarial swamps, planted the rice, tended it, and prepared it for the market, while the planter and his wife were busily engaged in the work of managing the estate, in which they were assisted by overseers who had immediate charge of the slaves in the field. The planter's mansion was often large, elaborately furnished in the latest English style. It was not infrequently surrounded by beautiful groves of live oak, flower gardens, and grassy lawns.

As wealth accumulated and as slaves became more abundant, there was a decided tendency for the planter and merchant class to become the people for whose special benefit the society existed. In other words, they were the "Spartans." As the slave economy of ancient Sparta helps to account for the importance which the Spartan attached to the state, giving rise to the idea that the citizen (not every individual, however) existed for the state, so it helps us to understand the Southern gentleman's fondness for political life and the importance he attached to his State. Without a powerful political organization to enforce the will of the dominant classes and

[1] Père Lobat, Voyages.

[2] Holbrook, Journal and Letters of Eliza Lucas (Pinckney), Lenox Library.

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maintain the existing status of those below them, that form of society could not have maintained itself.

The whites then tended more and more to drift into one of two classes, the aristocracy or the proletariat. As the men of moderate means became wealthy, they imitated their cavalier neighbors, bought more lands and slaves, and sought admittance into this exclusive circle by joining the established church. The Huguenots, for example, were despised aliens when they lived as frontiersmen in Craven County; but as soon as they became wealthy planters they were admitted into the established church,[1] and were honored and respected as among the foremost of the leading families. The same tendency was at work among the other foreign elements of the tide-water population. The old lines of separation, based on nationality, were soon wiped out. English, French, Scotch, Irish, Swiss, and German family names appear on the roll of the distinguished.

In describing the tide-water society our attention is naturally centered on the planter and merchant class, the rest of the population is either proletariat or slave and is important only in understanding the industrial system. This "gentle folk" resembled the cavaliers of England. The papers and letters that have come down to us, as well as the articles of dress and household furniture, show how closely they followed English thought and fashions. This is not to be wondered at in view of the forces that tended to keep this class in touch with the mother country. In the first place there were the fleets of vessels that supplied Charleston with English made goods, which set the fashions, just as to-day New York goods bring Northern fashions to the South.[2] The established church, with its ministers brought direct from England, was itself a strong Britainizing force. There was, moreover, an intimate political connection kept up through the royal form of government and the host of royal officials it necessitated. It is not surprising then to find the papers of the day filled with news brought by this or that ship that had just arrived direct from Europe, or had come by way of the

[1] Gregg, History of the Old Cheraws, p. 67.

[2] Stilwell Edwards, Sons and Fathers. In the opening chapters of this Southern romance the author, who is a native of Atlanta, gives an interesting account of the New York drummer in the South, and the fashions introduced through the sale of Northern goods. The resulting styles are not at all suited to a Southern climate.

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West Indies, or in company with the Virginia fleet. The low-country man was better informed on what was transpiring abroad, even up to 1760, than on what was going on in the neighboring colonies or in the back settlements.[1] He looked to England as another and a better home. There he sent his son to taste at the fountain head the culture that the Carolinians imported. For all that they remained true Carolinians, loyal to their institutions that made a life of leisure, of culture, and refinement possible on the borders of a wilderness.

The way to get an appreciative conception of that low-country society is to go to the contemporary records. There we may catch a glimpse of an interesting people, the last remnants of whose institutions are fast disappearing. Eliza Lucas wrote to her brother in England about 1741[2] that the people in general were hospitable and honest, and that the better sort added to these qualities a polite, gentle behavior; that the poorer sort were the most indolent people in the world, or they could never have been wretched in so plentiful a country as theirs. Charles Town, the metropolis, she said, was a neat, pretty place. The inhabitants were polite and lived in a very gentle manner; the streets and houses were regularly built; the ladies and gentlemen gay in their dress; and, on the whole, there were as many agreeable people for the size of the place as could be found anywhere.

Later she wrote more sympathetically of her poor neighbors.[3] She had charge of her father's plantation, and yet in those days, with the duties of both planter and matron on her hands, we find her studying law. She remarked that she would not grudge a little pains and application if that would make her useful to any of her poor neighbors. Some of them had a little land, a few slaves, and some cattle to bequeath to their children, but they never thought of making a will until the last moment, and then they found it too expensive to send to town for a lawyer.

In another letter she gave an account of a tour through the surrounding country. They passed several "very handsome gentlemen's seats," at all of which her party had been entertained with the most friendly politeness. One of these was

[1] See newspaper files in the Charleston Library; Drayton, Memoirs of the American Revolution, Vol. I, p. 10.

[2] Ravenel, Eliza Pinckney, pp. 17–19.

[3] Ibid., p. 51.

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"Crowfields," the home of the Middletons, where they spent a most agreeable week. She gives a charming picture of this place, with its large mansion set somewhat back from the road, surrounded by groves, gardens, and pools of fresh water stocked with fish, with its vine-mantled walls, its handsomely furnished rooms overlooking "the smiling fields, dressed in vivid green, where Ceres and Pomona join hand in hand to crown the hospitable board."

Governor Glenn reported in 1751 that there were many houses in Charleston that cost a thousand and twelve hundred pounds sterling. The furniture in those homes was of the best quality. Plate began to shine on their sideboards, and in proportion as they thrived they delighted in good things from England. There was not an important house in Charleston, he said, that did not keep a chaise or a chair.[1]

Governor Bull wrote in 1770 that there was a lack of good schools. He called attention to the evils and expense of sending the boys to the English colleges. That the ministers were not able to fit young men for the ministry unless it was for taking charge of the work in the frontier parishes. Still he said that there were polite schools, where mathematics, fencing, French, drawing, music, and needlework were taught to fit men for the busy world, and ladies for the domestic and social duties of life.[2] Of course these accessories were not intended for the masses of the people.

Such then was the gay little world that we find in the middle of the eighteenth century growing up in the low country. It was decidedly English in its fashions, its thought, its religion, and its political institutions. Yet it reminds one of the Greek and Roman communities in many ways, with its class distinctions and its disrespect for the trades. It was a slave economy like those of ancient times, but many features were English. The English country gentlemen's household furnished the model for the plantation. The negro slaves became a part of the household. They were not managed in gangs or colonies as on the Roman estates. The Southern gentleman affected English ways. He was very fond of the classics and of Greek and Roman history, in which he imagined he could trace many features of society that were like those of his

[1] Public Records of South Carolina, MSS. Vol. XXIV, pp. 303–331.
[2] Ibid., Vol. XXXII, pp. 392–394.

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own. Keeping this picture of the tide-water society in mind, we are in a position to trace the settlement of the up country and the growth of a marked sectional feeling.

We have seen that in the period from 1750 to 1764 a few outposts were established on the margin of the up country. After the treaty of 1755 the real movement of the population into that region began. The people came in groups, many driving their stock before them, from the frontiers of Pennsylvania, Virginia, and North Carolina.[1] They followed the great valleys and the adjoining plateaus that run in a general southwesterly direction from western Pennsylvania to northern Georgia. These natural highways afforded an easy approach to the uplands of South Carolina, where lands were fertile and far removed from the Indian disturbances of that time. They located first at Waxhaws, in what later became Lancaster district, and on the cane lands of Abbeville. From those points settlement gradually spread over the more accessible tracts toward the mountains. These pioneers were mostly Scotch-Irish —a hardy band of frontiersmen who stood guard over the advancing civilization from the Carolinas to western New York. Only the hunter and trapper and the Indian trader had preceded them into the wilderness.[2] But unlike their predecessors, they came to stay at least long enough to see a more settled community arise.[3] The first settlers on the frontier rarely remained permanently. They were of a roving disposition and preferred to keep well in the van of civilization. When they began to be elbowed by their neighbors, they broke camp and followed the retreating deer and buffalo into the wilds to the westward. The Carolina pioneers brought their families, their rude and scanty store of household goods, their crude implements, seeds, and domestic animals, ready for the work of frontier farming. The first task was the building of the log cabin. This was the work of a day or two. With a jug of cider or whisky to make merry, the pioneer invited his neighbors to lend a helping hand. The

[1] Calhoun, Works, Vol. I, p. 400 et seq; McCrady, Introduction to Eminent and Representative Men, etc., Vol. I; Gregg, History of the Old Cheraws; Brevard, Digest of the Laws of South Carolina, introduction; Historical Collections of South Carolina, Vol. II, p. 75.

[2] Logan, History of Upper South Carolina; Bernheim, German Settlements, etc., pp. 56–174; Gallard Thomas, Huguenots in South Carolina.

[3] Gregg, History of the Old Cheraws, p. 51 and notes.

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logs were cut near by in the forest, roughly hewn, and fitted into place. The cabin usually consisted of a single room, with the natural earth for a floor, a single door swinging rather lopsidedly on two sagging leather hinges; a loophole or two to let in the sunshine and the summer breezes served as windows. Into the rear wall was built the large stone or clay chimney, all out of proportion with the dimensions of the little cabin, so that it looked as though the house had been built for the chimney instead of the chimney for the house. It arose from the long, narrow fireplace on the inside of the cabin and, contracting rapidly from two sides, gave the base a waist-like appearance. Just under the roof was the loft, which served as a sleeping room. It was reached by a ladder from the inside or by a series of wooden pegs driven into holes, bored an easy step apart, into the logs of the inner wall. The furniture was scarce, but the faithful rifle always hung in the chimney corner within easy reach. Log cabins of this type can still be seen by the traveler in the upper Carolinas, Georgia, Tennessee, and elsewhere in the remote parts of the South.

The great task of the pioneer was the work of clearing and breaking up of the land. Each family owned its little farm, ranging from 50 to 200 or 300 acres in size, and provided for its wants as best it could.[1] They were almost completely shut in from the outside world. There were no navigable streams to join them with the civilized world or the older settlements. Below them was the middle country—a sandy tract, covered with dense pine forests. There were a few settlements along the main rivers, but these were almost as new as their own.

This caused a very different type of society to grow up from that which existed in the low country. In a region where every man must rely on his own strong arm and his rifle for the support and protection of his family there are no class distinctions. It was a strongly democratic society, then, that grew up here, typical of the West; while that of the low country was typical of the South. Wealth accumulated very slowly and there were very few slaves until the close of the century. The people enjoyed their rude but wholesome

[1] Gregg, History of the Old Cheraws, pp. 56–57.

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life, spent in close touch with nature. It is not surprising that under such circumstances the Old World customs and beliefs somewhat lost their force, and that schools and churches were for a time neglected.[1] For this reason missionary and educational movements were started at the close of the colonial period in the North and on the coast for the purpose of promoting education and religion in the back country. It was partly an attempt to strengthen the bond of union between the old and the new by making them more alike. This movement was by no means peculiar to South Carolina. On the contrary, it was a part of a great work which the ever advancing East has kept up to annex and assimilate the constantly retreating West or the frontier. It was preceded in the low country by a similar missionary enterprise which had its origin and derived its support from England.[2] The feature peculiar to South Carolina, in which the other Southern colonies shared more or less, especially Virginia, was the marked sectionalism that existed there.

The low country, on account of its good harbors and numerous navigable streams, was suited to a system of staple growing combined with foreign commerce. Although settled, like the up country, by people of different nationalities, it was completely dominated by the cavalier Englishmen, who strengthened their position through the favor of the royal Government and the established church, which was forced upon the colony against the wishes of the majority.[3] The people were mostly dissenters, but, of course, numbers did not rule there.

The up country, being completely landlocked, was forced to raise its own food stuffs and to rely on household manufactures to supply the coarse fabrics and rude implements that were used. The Scotch-Irish constituted the larger part of the population, but there was no sort of domination exercised by them. Individualism ran riot until anarchy and confusion compelled the property owners and the more stable element to devise an emergency government whose peremptory methods of dealing with outlaws has ever since been known

[1] Howe, History of the Presbyterian Church in South Carolina; Dalcho, Church History of South Carolina.

[2] The Society for the Promotion of the Gospel in Foreign Parts.

[3] See the chapter on local government.

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as lynch law. It was not until fierce riots broke out that the low-countrymen became aware of the existence of the back country and its needs. So little connection or intercourse had there been between the sections for the first twenty years or more after the settlement of the up country began that when the better element combined to preserve order they were denounced as traitors and rebels, and were called on to surrender to the King's officers. Gradually the information trickled down through the intervening forests to the coast settlements below that the mounted bands of regulators who scoured the country of robbers and enforced lynch law were the respectable farmers trying to protect their homes and property.[1] From this time on the back-settlement question was of the greatest concern to the people on the coast.

From what has been said of the conditions in the low country we should expect to find very little sympathy existing between the two sections. How could there be any real fellowship between them in the face of such radical differences in environment, institutions, and culture? In fact we have here two types of civilization confronting each other. They were incompatible, and both could not exist on a footing of equality under the same government. This the men of the tide-water, ever quick to see where their interests lay, were not slow in recognizing. They naturally looked upon the back countrymen as a plebeian race. As one of the planters said: "They are strangers to our interests, our customs, and our concerns."[2] They regarded them as intruders in a peaceful society, which, if uncongenial to them, would only invite them to go whence they came and to leave the prior occupants undisturbed in their rights and their property.

CHAPTER II.—TWO ECONOMIC SYSTEMS.

SECTION A.—*The origin and development of the staple crops of the low country.*

It was soon discovered that English crops and methods of cultivation were entirely unsuited to the semitropical lowlands of South Carolina. Accordingly, a new series of crops, and

[1] City Gazette or Daily Advertiser, Charleston, May 26, 1790. Timothy Ford. The Constitutionalist, etc., p. 26. (Charleston Library, miscellaneous tracts, Nos. 4 and 8.)

[2] For the political side of these questions see Chapter III, Part III.

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proper methods of raising and marketing them, had to be discovered and perfected. This problem, peculiar to the tidewater region of the South, particularly of the Carolinas and Georgia, made pioneer efforts uncommonly difficult. This fact is of much greater significance than the scant attention given to the subject in the historical accounts of these regions would lead us to think.

The proprietors, unlike the first settlers, seem to have foreseen the difficulty, as their instructions to the leaders of the first expedition clearly indicate. Their direct, businesslike directions contrast very favorably with the verbose legal documents of the time.

They instructed Mr. West to land at the Barbados, where he should lay in a supply of cotton and indigo seed, ginger root, vines of various sorts, and olive sets. On landing at Port Royal the proprietors' share of land was to be selected and experiments were to be made with all grades of soils, on various levels and at different seasons. This work was to be done systematically, so as to get accurate data that might serve as a guide in developing the new industries. This experimental work was to be done by a man or two; the rest were to set about providing a suitable shelter and food. They were to find out from the Indians the best time and season for planting corn, beans, peas, turnips, carrots, and potatoes. They were to procure a supply of cattle, horses, and hogs from the Barbados and from Virginia.

The keynote of their instructions is stated in the following sentence:[1] "You are never to think of making any commodity your business further than for experience sake, and to have your stock of it for planting increase, till you have sufficiently provided for ye belly by planting a store of provisions, which must in all your contrivances be looked upon by you as ye foundation of your plantation."

Two things were made prominent in these orders. One was the necessity of obtaining a sufficient food supply; the other was the desire to discover some staple product that would sell profitably in large quantities as raw material on the European market. These two objects stood out conspicuously in England's industrial policy in the Carolinas throughout the period

[1] Rivers, Sketch of the History of South Carolina, Appendix. Calendar of State Papers (Colonial), 1669–1674, p 86.

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of her domination, and they have characterized the industry of the State more or less ever since. The proprietors hoped that the colony would raise its own food supply after the first year, using for this purpose only a small portion of its labor power. The main productive power they desired to see utilized, after a food supply was once assured, in producing commodities for export to England. To this source they looked for the greatest profits, and prided themselves not a little on being instrumental in extending England's foreign commerce. Under the royal régime, the same policy was pursued. There was a persistent effort made to make the colony a producer of raw material, and to keep her entirely dependent on the mother country for every kind of manufactured article. This showed itself in the close watch that was kept over the industrial activities of the colony. Specific and detailed inquiries were periodically made through the governor and council, who generally favored British interests, concerning conditions in the colony, and especially as to what articles were being made or were likely to be made. The reassuring reply always was, that beyond a few articles of household make, nothing was manufactured; and that nearly everything requiring the skill of artisans in its production was imported from England. This was literally true. England's commercial policy had the intended effect in South Carolina, as it had in the southern colonies generally. It stimulated the development of foreign commerce by encouraging the production of certain raw materials which were in demand on the English market, and discouraging the making of finished goods of any kind, excepting a few articles, such as silks and wines—the specialties of her commercial rivals, France in particular. It had the opposite effect in the middle and northern colonies, because the only articles that could be exported from thence with profit were breadstuffs, which came in direct competition with British home industry, and were therefore burdened with heavy import duties. There was no way of paying for imported goods. Therefore the system of household manufactures arose to supply the demand in those colonies. The same development took place in the up country of South Carolina, for similar reasons.

The first object being to make the colony self-sustaining, the first thing that suggested itself to Englishmen was to

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plant the familiar grains and vegetables; but these did not thrive. The only resource left, beyond the scanty supplies sent out by the proprietors, was the Indian garden patch. Here they obtained a variety of native vegetables. By a very little exertion an abundance of plant food was provided for all. Fruit was so promising that it was hoped that they could in time supply the London market.[1] Meats were always abundant. The supply of fish and game was rich and varied. It was customary among the planters to hire an Indian hunter at a few shillings per year, who was generally able to supply 30 persons with venison and fowl. In the early part of this century many northern hunters engaged in that occupation during the winter months.[2]

In a few years after settlement was begun, cattle and hogs became so abundant that they were allowed to become wild and range through the woods in large droves, no one pretending to know how many he owned. The surplus food stuff found a ready market in the Barbados and later in other West India islands. These islands had already reached the stage when their productive power was devoted mainly to the production of articles for export, sugar taking the lead, to the neglect of a food supply. This marks the beginning of our West India trade in breadstuffs, which increased steadily as their energy was more and more concentrated in the raising of a few staple crops. It is a curious fact that South Carolina, soon to reach that stage herself, at first supplied the Barbados with food stuffs, hoop poles, barrel staves, and lumber. The proprietors feared at one time that the colony would be of no other use than to be subservient to the interests of the Barbados.[3] This was a great disappointment to them, as they had hoped to see a lively trade spring up with Carolina in olives, fruits, wines, indigo, ginger root, etc. They had advanced a good deal of capital which they hoped to see returned to them with interest in the shape of profits on goods exported. It was proposed at one time to abandon the plan of developing the country by means of independent settlers. It was proposed instead to enlist the support of men of means, secure competent men to take charge of the enter-

[1] Public Records of South Carolina, MSS. Vol. XXII, p. 100.
[2] Gregg, Essay on Domestic Industry (pamphlet, Charleston, 1845).
[3] Rivers, Sketch of the History of South Carolina, p. 111.

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prise, who were expected to make a systematic search, the world over, for suitable products and men skilled in their cultivation. In other words, they intended to set about developing the new industries by scientific methods under the direction of experts.[1]

It is to be regretted that this experiment was not tried, if for no other reason than to see whether the results would have been any more satisfactory than those in the political and social experiment. It would have given us some data as to efficiency of the methods of the laboratory and the business office in pioneer work. The pioneer, in the midst of this intricate problem, and far removed from industrial centers, where the stimulus of gain is more immediate and powerful, drifted into the haphazard ways of the proverbial frontier farmer, and allowed things to take their course. An acute observer wrote that in Carolina, where a man may have hundreds of acres, producing with little effort whatever is necessary for life, or where he may support himself in idleness a whole week by the work of one day, it is difficult to make people try new experiments.[2]

It always remained a part of the English policy, however, to favor in various ways the introduction and development of certain preferred products. Among those most urged at different times were silk, wine, olives, cotton, indigo, flax, hemp, and naval stores. This encouragement took different forms. One method was to send agents with instructions to procure products suited to a warm climate, experiment with them, and instruct the people in their cultivation.[3] In this way Captain Halstead was sent to Carolina, among other reasons to instruct the planters in raising tobacco.[4] Tobacco, however, never became a favorite in the colony. It was introduced by Virginians in the up country at a later date, but there, too, it did not become a leading commodity, as it did in Virginia and Maryland. We also find that many individuals who had made efforts to introduce desirable products were presented with grants of land as a reward for their enterprise, and to encourage them to further effort.

[1] State Papers (Colonial) 1674–1676, p. 240.
[2] Public Records of South Carolina, MSS. vol. XXV, pp. 31–35.
[3] Ibid., Vol. I, p. 59; Vol. II, p. 48; Vol. VII, p. 64; Vol. XXV, pp. 31–35.
[4] Chalmers, Political Annals of the United Colonies, pp. 531–556.

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Another method frequently tried was to encourage certain people who had a reputation for producing some especially desirable commodities to settle in South Carolina, with the understanding that they would build up their favorite industry.[1] For this reason the Huguenot refugees were transported to the colony at great expense, and were given an abundance of supplies and lands. Those were the "gentle and profitable strangers" who were to introduce the silk and wine industry, for which France was so noted. Repeated trials were made to make these industries a success. All through the colonial period, and even after the Revolution, we find references made to samples of silk and wine made in South Carolina.[2] Since the mulberry and grape were found in the wild state in that region it was predicted with much enthusiasm that silks and wines would soon rank among the leading exports. The great obstacle to the production of such commodities was a lack of the right sort of labor, as Governor Glenn observed in a report to the board of trade and plantations in 1751. He said that some families had made some silk regularly for many years, but unless a bounty were offered no great quantity would be produced until the population of the province should become denser. He said that the infinite numbers of people in India, China, and Turkey made labor cheap. Even in Italy and in southern France the peasants lived low, and consequently were satisfied to work for little—a condition to which Englishmen would hardly learn to submit. Industry and frugality are nessary in those lands where there are more people than acres of land.[3]

A bounty was placed on silk, but it had little effect. Bounties were also placed on naval stores, flax, and hemp.[4]

It was hoped that the German Protestants would bring the linen industry into South Carolina. Both the colonial government and the British went to considerable expense to give these foreigners a start in the new country, where it was hoped a new industry would soon spring up as a result of German industry and thrift. But as the French and Swiss had failed to produce the silks, laces, and wines of southern

[1] Public Records of South Carolina, MSS., Vol. I, pp. 70, 71, 75.

[2] Ibid., Vol. II, p. 284; Vol. IV, pp. 117, 190; Vol. V, p. 293; Vol. VI, pp. 172, 286; Vol. VII, pp. 6, 46; Vol. XXXII, p. 160.

[3] Ibid., Vol. XXV, pp. 33-35.

[4] Calendar of State Papers (Colonial), 1661-1676, p. 144.

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Europe, so the Germans failed in their attempt at rearing in a wilderness an industry that thrives only in densely populated centers.

Indigo, rice, and cotton, the industrial trio that was to play so conspicuous a part in the history of South Carolina, were mentioned in the earliest records. But in spite of all efforts to bring them to perfection and to direct the productive power to raising and preparing them for the market, it was only by slow degrees that any of these became staples. The first to reach that stage was rice.

Rice was one of the commodities that the proprietors were searching for, according to their letter of April 10, 1677.[1] At a meeting of the Commissioners for Trade and Plantations, at Whitehall, July 25, 1699, at which John Locke was present, a sample of Carolina rice and a letter from the secretary on the subject were laid before the board.[2] It seems to have been a comparatively easy task, even in those early days, to determine the kind of products that would probably be suitable for that region, thanks to the obliging and observing shipmasters. The great difficulty seems to have been one of methods of cultivation and preparing the crude product for the market. It required almost a century to bring the rice industry to even a tolerable degree of perfection. The right kind of labor had to be supplied. The planter had to learn how to select his land and cultivate it. Finally the processes of harvesting, threshing, and husking had to be invented and perfected.

The wheat farmer everywhere avoids the swamp, unless indeed he can by a system of drainage make dry land of it. When the English wheat grower first tried his hand at rice planting in South Carolina, he naturally followed the well-known rules of his business. He selected the comparatively

[1] Public Records of South Carolina, MSS., Vol. I, p. 59.

[2] Ibid., Vol. IV, p. 99.

NOTE.—Rice was mentioned as a possibility as early as 1666 in a description of the province printed by Robert Horne. See Carroll, Historical Collections, Vol. II, pp. 9–19. The credit of its introduction has been assigned by different writers to Landgrave Smith, 1694; Woodward, 1700, and to Du Bois about 1700. Ramsay, in his history, Vol. II, p. 201, gives the credit to Smith, but it is now clear that rice had been experimented with before that time. See Charleston Year Book for 1880, p. 243, and State Gazette of South Carolina, August 17, 1786. In the latter it was shown that there were two varieties of rice, one coming from seed introduced by Smith, and another kind introduced later by Woodward. See also Allston, Memoir of the Introduction and Planting of Rice in South Carolina.

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elevated spots, which in the low country happen to have a light sandy soil of rather low degree of fertility.[1] It was only after years of experience that the common observation that the rice on the edges of the swamps yielded by far the best returns turned his attention to the fertile inland swamps.[2] These proved so much superior that the old rice fields were entirely abandoned, and they remained grazing land even down to 1843.[3] It was not until 1758 that the tide and river swamps, so much more conveniently situated for trade, were utilized. This led to the abandonment of the inland swamps, which have remained waste to this day.

After the planters had learned what kind of land to select for the rice fields, there still remained the problem of clearing these forbidding swamps of the dense thickets of underbrush, and preparing the soil and keeping down the rank weeds while the rice was growing. The difficulty was met by pressing Indian and negro slaves into service. The demand for this kind of labor doubled within a few years. The tools used by these untrained barbarians were necessarily of the crudest sort. The ax, spade, and hoe were chiefly used. There was but little use for the plow. As late as 1802 a planter wrote that in some cases a cotton or a corn crop was tended with a plow, but it was more frequently done with the hoe, which might be said to be the chief instrument of husbandry in the low country.[4] In spite of crude methods and unskilled and unwilling labor, capital invested in rice lands and slaves doubled itself in three or four years by 1748.[5] This was due to the extreme fertility of the virgin soil and the excellent facilities for water communication with the markets of the world.

Credit played an important part in the development of the colony. From the beginning to the Revolution the planters were deeply in debt to the British capitalists. They borrowed all the money they could get and invested it in negroes. In 1748 acts were passed by the colonial legislature reducing the rate of interest from 10 per cent to 8 per cent. Governor

[1] Drayton's View of South Carolina, p. 212 et seq.; Ramsay, History of South Carolina, Vol. II, pp. 200–230.

[2] The inland swamps came into general use in 1721.

[3] Allston, Memoir of the introduction of rice, etc.

[4] Drayton's View, etc., pp. 140–141.

[5] Public Records of South Carolina, MSS., Vol. XXIII, pp. 211–230.

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Glenn, in presenting the act to the Crown for approval, said that the planters could well afford to pay that rate, since they made at least three times that much if the money was invested in negroes for the rice plantations. He cited the case of Colonel Black, who bought 25 new negroes at a high rate and made all they cost him from the first year's rice crop they produced.[1] The common method was to count on clearing the principal on a new lot of slaves in three or four years, paying 10 per cent interest. He argued that if the rate of interest were reduced to 8 per cent the planting industry would expand enormously, creating opportunities for the investment of more capital and making the trade with England much more extensive and profitable. On the eve of the Revolution the planters counted on the pressure that they could bring to bear on England in securing their demands by the threat of repudiating the enormous debt in case hostilities should break out.

The system of rotation in crops was not in vogue in the last century in the low country, nor is it a common method with the planters at this date. In the agricultural report for 1883 it was estimated that the coast planter who had 30 acres in cotton needed 240 acres of land under plow. This was necessary to raise the requisite amount of corn, fodder, etc., and supply the laborers with their shares as pay for working the planter's field, and to enable him to let the land lie fallow every other year. Since only one-fifth of the land is under cultivation, such a planter must own on an average about 1,200 acres.[2] In the last century a clearing was cropped year after year as long as it yielded a profitable return; then the land was allowed to run wild and a new plot was cleared, only to repeat the process as soon as this showed signs of exhaustion. In course of time the abandoned land, after it had sufficiently regained its fertility, was again cleared of weeds and brush and prepared for cultivation. The great size of the estates and the abundance of slave labor made this wasteful method possible.

In 1783 Gideon Dupont discovered the water-culture method of tending rice.[3] This was a great improvement on the old

[1] Public Records of South Carolina, MMS., Vol. XXIII, p. 230.
[2] South Carolina, Resources, etc., p. 28.
[3] Ramsay, History of South Carolina, Vol. II, p. 206.

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method in that it resulted both in a saving of labor and an improvement in the yield. Previously the rice fields were regularly weeded by the laborers, working in a stooped position in the full glare of a midsummer sun and standing in pools of stagnant water.[1] By the new method the rice was kept under water by flooding the fields. In this way the weeds were drowned out, and at the same time the rice grew better. Rice is so prolific a plant, yielding as high as 50 bushels per acre, that in a virgin soil it was profitable for home use under the crudest methods. With the methods then in use the slaves produced on an average 2,200 pounds a hand yearly, besides raising the necessary provisions and fodder for the plantation.[2]

The great difficulty encountered in attempting to make rice growing profitable for export was the expense of thrashing, winnowing, and husking it.[3] Under the primitive system the grain was first beaten from the straw with a flail, then the straw was separated from the grain with a fork. Finally the closely adhering husk was beaten from the grain by placing it in a mortar and beating it with a pestle. The mortar was usually made by hollowing out a pine stump. The first improvement was made in 1749, when the governor reported that after beating the grain from the straw it was winnowed, an operation which had been very tedious, but which was then performed by a very simple machine called a wind fan. This, he said, had been lately introduced and was a "prodigious improvement."

Just after the Revolution appeared Mr. Lucas's machine for husking rice. It was driven by the tides. At the close of the century came Neal's machine for thrashing the grain from the straw. These machines were rapidly improved, and the efficiency so long striven for in this industry was at length attained with the beginning of the present century.

Rice had outstripped all its rivals in the long race for the position of the leading commodity. It was in its element in the warm fertile swamps of this region. It was not the most favored commodity with the British Government, however. Beyond giving it a trial, no special effort was made to encour-

[1] State Gazette of South Carolina, August 17, 1786.
[2] Public Records of South Carolina, MSS., Vol. XXIII, p. 341.
[3] Ibid., Vol. IV, p. 189; Vol. IX, pp. 89-90.

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age its production, as was done in the case of silk, linen, and indigo. It was considerably hampered by being included in the list of enumerated commodities and made to pay a heavy duty.[1] Rice was not much in demand in England then, for she was herself a great producer of food products. The best market for it was then found in the manufacturing towns of Holland, North Germany, and Belgium. From 1730 to 1739 the planters shipped 83,379 barrels to Portugal, 372,118 barrels to "Holland, Bremen, Sweden, and Denmark," and only 30,000 barrels to Great Britain.[2]

In 1738 a bill was introduced in Parliament prohibiting its exportation to France and Spain. To this the merchants interested in the Carolina trade made a vigorous protest.[3] They pointed out the fact that rice was the only commodity of any consequence exported from South Carolina. That it was as much their staple as sugar was to Barbados or tobacco to Virginia and Maryland. If its exportation to the Continent were stopped, the colonists would have no means of getting the necessary money with which to pay for the goods imported from England or the interest on their loans. The annual bill for merchandise imported from England alone amounted to £150,000 annually. Besides the colony would be weakened and fall an easy prey to its enemies—the Spaniards, Indians, and the negroes held in bondage.

In 1745 it was reported that rice had become unprofitable and that the planters were turning their attention to indigo and fruit. This was due in part to the exorbitant freight and insurance rate charged on account of the wars on the Continent.[4] During that year the council engaged Mr. Fenwicke as a special agent to make a plea for more liberal terms for the rice industry, which then employed about 300 sails annually to dispose of its product. The annual output then was estimated at 100,000 barrels of 500 pounds each. In 1752 rice was again so profitable that indigo was neglected except as a possibility in case of an overproduction of rice, which was then feared.[5] Thus the amount of rice exported, starting with a sample in 1699, increased to a few hundred pounds in

[1] See the British navigation acts.
[2] Charleston Year Book for 1880, pp. 244–248.
[3] Public Records of South Carolina, MSS., Vol. IX, pp. 23, 41, 62, 73, 78, 82, etc.
[4] Ibid., Vol. XXII, pp. 100, 115–123.
[5] Ibid., Vol. XXV, pp. 31–35.

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1700, to 17,734 barrels in 1721; 43,772 barrels in 1730; 91,110 barrels in 1740; 48,111 barrels in 1750; 96,778 barrels in 1755; 101,359 barrels in 1761, and 125,076 barrels in 1774. At the the same time the capacity of the barrel had increased from 325 pounds in 1720 to 400 pounds 1730, and later to 550 pounds.

Indigo was much more favored by the mother country, because it was needed in large quantities in the textile industry, and especially because France, her commercial rival, had a monopoly of its production in the West Indies. One variety of the plant was found growing in the wild state in South Carolina.[1] Although frequent mention was made of indigo as a great commercial possibility, nothing came of it until the experiments of Eliza Lucas in the years from 1742–1744.[2] She was then a young girl still in her teens. Her father being absent in the service of the British Government in the West Indies, where they had formerly resided, she was left in charge of the plantation. She had a reputation among her friends of having a liking for hatching schemes, which she playfully defended by saying that by trying a great many, surely she might hit upon one that would amount to something. Plants were her favorites, and when she turned her attention to indigo her father had faith enough in her ability to hire a West India planter and indigo maker at a large salary to go to Charleston and assist the youthful agriculturist. From this Mr. Cromwell she learned the difficult process of extracting the indigo from the plant and putting it up for the foreign market, not without some shrewd management, however, as the indigo maker seems to have repented of his bargain to give away the secret of his island's industry.

A duty of 6 pence per pound was placed on it by the British Government in 1748, and with the assistance of Eliza Lucas in developing the plant by the selection of seed and perfecting the process of extracting the dye, the planters soon found themselves producing indigo on a large scale.[3] In this

[1] Public Records of South Carolina, MSS., Vol. XXI, pp. 399, 406.

[2] Holbrook, Journal and letters of Eliza Lucas. (This journal was edited by Mrs. Harriott Pinckney Holbrook and printed in 1850, only 19 impressions being taken, one of which is in the Lenox Library.)

[3] It is a curious fact that the grasshopper, so destructive to the wheat fields of the West in its early days, was a great pest to the indigo planter. He fought the insects with chickens, or burned them by driving them into a fringe of grass kept on the edge of the field and setting fire to it.

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way one of the largest industries of the South was started, and England was enabled to produce a commodity for which she had been paying £150,000 sterling annually to her rival. In 1754 the colony exported 216,924 pounds, and shortly before the Revolution 1,107,660 pounds. To the close of the century rice and indigo absorbed the attention of the low country planter. Then cotton made its appearance as a great staple crop.

SECTION B.—*Foreign commerce.*

Having now traced one side of the plantation system—the origin and development of the staple crops—we can turn our attention to foreign commerce, which was its complement.

There was a characteristic industry for each step in the development of the colony. At any one time all grades of advancement could be detected, ranging from the cultivated society of Charleston and its vicinity to the hunters and trappers of the frontier. There is evidence that each new strip of country, in the process of reclaiming it from the wilderness, passed through the successive stages of the hunting ground, the cattle ranch, and the cultivated field with its market town near by.

By 1680 the colony had developed sufficiently to show clearly the familiar phenomena of the old settlement and the new. At first it was all frontier—the frontier of Europe in fact. Gradually the colony had become differentiated into two communities by the original settlement taking on the appearance and the interests of a fairly well-established society, and crowding the frontier one stage back from the coast. This marks the first appearance of the "West," or, in colonial parlance, the Back Country in South Carolina history. The fur trade and slave catching were the leading occupations of the frontier and figured conspicuously in the politics of the colony from about 1680 to 1720. Both were very profitable, but they were antagonistic in some respects. The fur trade depended on peace and mutual confidence between the whites and the numerous Indian tribes, while slave catching implied a chronic state of warfare. The frontiersmen complained at one time that Governor Moore and a coterie of friends were seeking to monopolize the fur trade and the slave-catching business for

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their own private gain.[1] They were charged with attempting to prevent the frontiersmen from being represented in the legislature in order that they might carry out their schemes. Nevertheless the trade remained substantially in the hands of the individual traders until 1716, when it was made a Government monopoly. After that an Indian agent was employed at a fixed salary, and made directly responsible to the legislature, to look after the trade. This was the beginning of a systematic regulation of the fur trade, which put a stop to the abuses and scandals associated with it in its early days.

There was a very lively competition with the French traders on the Mississippi and the Spanish in Florida for the friendship and trade of the energetic tribes in the rich fur-bearing regions at the base of the Appalachian Mountains in Carolina, Georgia, Alabama, and Tennessee. It was soon discovered, however, that diminishing returns set in, if the traders pushed their way beyond a certain distance from the coast, due to the great expense of transporting the fur and merchandise. At first the rivers were followed wherever it was possible to do so. When it was necessary to go across country the goods were packed on the backs of Indians or horses. When the trade was fully developed regular caravans of pack horses were established. These followed the bridle paths leading from Charleston into the interior. There were two main trails, one going by way of St. Juliens, Wasmasaw, Ponds on the Edisto, Fort Moore, near Hamburg on the Savannah, which led to the Creek and Chickasaw country. Later it was used partly as the route to the Cherokee district. The other branched off at St. Juliens, passing eastward to Four Hole Creek on the Santee, across Amelia Township, through Orangeburg to the Congaree, thence up the Saluda to Granby, situated at the falls a few miles below Columbia, and from there by various branches it extended into the heart of the Indian country. It is a curious fact that when the first railroads were laid out in the State they followed these Indian trails. Logan wrote, indeed, that up to 1859 the railways had followed the old trails very closely.[2] These trails had been

[1] Chalmers, Political Annals of the United Colonies; Carroll, Historical Collections, Vol. II, p. 316; Rivers, Sketch of the History of South Carolina, pp. 453–468, 231–238; Public Records of South Carolina, MSS., Vol. V, pp. 203–210.

[2] Logan, History of Upper South Carolina, pp. 167, 168, 311, 315–317, 322–333.

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marked out, no doubt, by the buffalo long before the advent of the hunters and trappers. It shows how unerringly the herds of buffalo found the easiest grades by following along the line of least resistance in their periodical migrations from pasture to pasture, and to the fresh-water springs and the salt licks.[1]

By the primitive method of the pack train merchandise could be transported from Charleston to the Chickasaw country in southern Tennessee and exchanged there for furs, with profit. The furs were brought back on the return trip and shipped to England. Beyond the Chickasaw country the trade was not profitable, but slaves were obtained from still more distant tribes.

There was a preference for the trade with the more distant tribes, because those Indians had not become demoralized through drink and other vices of the whites as they had near the settlements. After the Indian had come in contact with the settlers to a certain extent he could not be induced to hunt for the little trinkets and cheap merchandise that the traders carried. He demanded more substantial returns. As the traffic was extended and systematized the Indians came to rely almost wholly on the traders for arms, ammunition, knives, blankets, and the like. Their system of making a living seems to have changed entirely. This fact made the traders almost indispensable. They supplied the Indians with a vast quantity of merchandise, as is shown by the amount of furs that were annually exported. In 1708 it was estimated that over 50,000 skins were shipped from Charleston annually, requiring in their purchase from £2,500 to £3,000 worth of goods reckoned at their first cost. In 1731 the item of deerskins alone amounted to 225,000. In 1747 there were exported from Charleston 200 pounds of beaver and 720 hogsheads of deerskins. In 1755 one of the leading traders stated that if the season was a fair one there would be 25,000 deerskins collected from the Cherokee range.

The fur trade was at its best from 1721 to 1743. After that it began to decline. In South Carolina it declined rapidly after the removal of the Cherokees from the larger portion of the up country in 1755. It had been one of the leading indus-

[1] McCrady, History of South Carolina, Vol. II, pp. 298–301.

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tries of the colony, and even as late as 1748 it ranked next to rice in the value of the amount exported. The total value of the exports from November 1, 1747, to November 1, 1748, amounted to £1,129,560, of which rice supplied £618,750 worth and the fur trade £252,300. Furs stood second on the list. The decline of the fur trade in the decade following indicated that the first phase of the frontier life had passed. The trader had started his operations on the coast, and as the frontier receded he followed to make room for the cow-pen keepers.[1]

Cattle raising marks the next stage of advance. It was the first to attract the attention of the colonists, and it developed rapidly in spite of the protests of the proprietors, who preferred that they should produce articles for export. Many of the early fortunes were made out of cattle and hogs.[2]

The transitory character of the rancher's business is well indicated in the report of the surveyor for the southern district in 1773.[3] He wrote that herds of cattle, numbering often 1,500 head, were driven from South Carolina. Here, between the Savannah and the Ogechee, ever since 1757, had been kept "in ganges under the auspices of cow-pen keepers, which move (like unto the ancient patriarchs or the modern Bodewins in Arabia) from forest to forest in a measure as the grass wears out or the planters approach them."

During the first thirty or forty years the colony exported mainly furs, pork, beef, hides, tallow, and dairy products. These articles, excepting furs, were largely exported to the West Indies, Philadelphia, New York, and the New England towns. But with the appearance of rice and indigo as the all-important products, the people imported these very things from the Northern colonies.[4] They even neglected their orchards and gardens, preferring to obtain their vegetables and fruits from the Barbados and later from the New England States;[5] that is, the home supply was not sufficient to meet the demand and considerable quantities of these articles had to be imported. With the decline of profits in cotton plant-

[1] Carroll, Historical Collections, Vol. II, p. 129; Public Records of South Carolina, MSS., Vol. XXIII, pp 338-383.

[2] Gregg, History of the Old Cheraws, p. 109.

[3] Charleston Year Book for 1883, pp. 395, 410.

[4] Carroll Historical Collections, Vol. I, pp. 267, 436.

[5] Gregg, Essay on Domestic Industry.

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ing and the growth of the large manufacturing cities in the North since the civil war, this trade has reversed its direction.

When the new townships were laid out in 1730 they went through a similar development. At first they competed with the Northern colonies in furnishing the older planting section with breadstuffs. This cut off an important item of trade, which led the British officials to make inquiries in 1765. At this time the up country was also supplying the planters with food products. In answer to the questions asked, the governor replied that the trade with New York and Philadelphia had been of an unprofitable sort. It took away all their money and bills of exchange brought in from other places to pay for bread, flour, beer, beans, hams, bacon, and other things, but which, except beer, the new townships were beginning to supply them with, as these townships were settled by industrious and thrifty German people. This had decreased the shipping and the volume of the foreign trade, but he thought it was far from being a detriment to the colony.[1]

These facts indicate clearly that the planters were concentrating their energies in the production of the staples, rice and indigo, for export. They neglected everything else. It shows how the industrial life was becoming narrowed and cramped as the colony developed. The almost infinite variety of occupations of the modern industrial society was evidently lacking. There was little opportunity for the development of a diversity of tastes and talents in the individual man. The activities of the people were confined to a few narrow ruts. Property had no tendency to become differentiated. It was divided into a very few categories. The important ones were lands, slaves, and the stock of the merchants. There was no division in the factors of production. The planter looked upon the introduction of diversified industry as a sign of degeneracy. It meant the dissolution of the forced patriarchal relation existing between master and slave, and the advent of the struggle between capital and labor. The planter had a contempt for the trading and artisan class. He disliked paid officials. So we find that the members of the legislature received no pay during the colonial times, nor did the local officials. In order to secure commissioners of roads, for instance, laws were enacted making the citizen liable to serve

[1] Public Records of South Carolina, MSS. Vol. XXIII, p. 357.

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three years out of every six, until he reached an advanced age. The penalty of refusing to serve was a fine of £10. There were similar regulations governing other minor offices.[1]

In such an industrial system foreign commerce plays an important rôle. It is the only source of supply for finished goods, and is often the means of obtaining the necessary food supply. The governor said, in his report in 1751,[2] that the trade of the colony, excepting a little with the Indians and the Spaniards, consisted in the exchange of their products for real necessaries, such as clothing for themselves and negroes; every sort of household furniture; all works in steel, iron, brass, copper, tin; some in gold, as watches and rings; many in silver, as plate of various figure and fashion; all works of leather and wood; vessels of earth, delph, china, or glass; every sort of sailcloth, cordage, and rigging for ships or boats; every kind of tool and utensil; in short, everything that is useful or ornamental in life; every particular that a people who have no manufactures can want and will have as they are able to purchase it; every valuable and every trifling thing from bales of cloth, linen, silk, even to papers of thread, pins, and needles.

Surely this report must have gladdened the Britisher's heart. To supply this large quantity of imports an extensive carrying trade was required. For example, in 1745 and 1746 we find the following list of vessels clearing from Charleston:[3]

	1745.	1746.
To Europe	86	105
To the West Indies	121	93
To the Northern colonies	48	37
Total	255	235

That is, an average of about four or five vessels cleared from Charleston each week, which is a large number for a small colony. But only an insignificant portion of these vessels were owned or manned by Carolinians. Most of them were owned in the North and by the British. The shopkeepers at Charleston were also largely foreigners. The large

[1] Cooper, Statutes at Large of South Carolina, Vol. IX, p. 309.
[2] Public Records of South Carolina, MSS. Vol. XXIV, p. 313.
[3] Ibid., Vol. XXIII, p. 358.

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dealers were English merchants who had their factors in Charleston. As the planters were large borrowers, the factors became an important part of the plantation system. Their business was a sort of combination of that of the broker, banker, and merchant. They loaned money on lands and slaves, or advanced to the planter on his growing crop the provisions and supplies needed on the plantation for the year. Thus, in place of the complicated machinery of the bank, the stock and produce exchanges, there was simply the large dealer represented by his agent, called a factor. The exchanges and investments were made largely through the accounts with the merchants, instead of through commercial paper, as now. In this way that ruinous system originated under which the merchant obtained liens on nearly everything that the planter raised from year to year, and so came practically to dictate the acreage and kind of crop to be planted.

By 1750 some of the larger planters found it to their advantage to have factors of their own on the foreign market, because of the exorbitant rate of insurance, freight, and commissions charged by the dealers.[1]

The large foreign element at Charleston among the merchants attracted attention on several occasions and deserves a mention here. When the first rumblings of the Revolution were heard in the colony, the planters and farmers started associations for encouraging domestic manufactures, for boycotting British goods, and to promote American interests generally. This movement met with a strong, though secret, opposition in Charleston. It was attributed at once to the merchants, who were stigmatized as "the foreigners of only a few years standing, for the most part, and men who look out only for their purses."[2] The merchants did not deny that they were newcomers, but they tried to show cause why they ought to stand in public favor by pointing to the occasions when they claimed to have sacrificed their business interests for the good of the planters.

A curious grouping of businesses developed with respect to both nationalities and location that may still be observed in Charleston. The retail clothing stores are all massed on King street, and are almost exclusively owned and managed

[1] Public Records of South Carolina, MSS. Vol. XXIV, pp. 313, 314.
[2] South Carolina Gazette, Charleston, January 1, 1769; July 13.

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by Jews. The Jews were a prominent element in Charleston toward the close of the colonial period. They were among the first to send congratulations to Washington on the occasion of his first inauguration, to which he replied in a personal letter.[1]

On North Bay street are the wholesale groceries. The retail corner groceries, which were a sort of retail store and saloon in the days before the dispensary system was established, were run almost wholly by north Germans. Below St. Michael's Church on Broad street are the bankers and lawyers, who are generally Carolinians of the original stock. The fruit dealers are scattered along Meeting street, and are almost without exception Italians and Greeks, among whom the Greeks are recognized as being the shrewdest and most successful business men, and were the latest to arrive.

SECTION C.—*The system of labor in the low country.*

There remains for discussion the third and most important part of the plantation economy, namely, the system of labor. We noticed in tracing the settlement of the colony that the population was divided into three classes from the outset. There was a patrician class, a class of plebeians, and the slaves. The upper class was made up mostly of large landholders, who resembled the English country gentlemen very much. The plantation was a sort of American edition of the English manor in fact. The indented servants and slaves took the place of the servile classes in England, and furnished the labor power. The demand for labor was so great and the servants were so hard to get, that a regular system of kidnapping, or "spiriting," as it was called, grew up. Trickery and even force were used to entice the people to go on board the merchantmen lying at anchor in the English ports awaiting their cargoes, and once on board they were securely locked up until America was reached, where they were sold to masters for a term of years, generally from three to seven. English public conscience at length revolted against this barbarous practice—at least against its abuses. When such cases were brought into the courts, the judges usually found against the dealers and spirits, who then found the scandal and losses

[1] Charleston Year Book for 1883 and 1884; The Times, Charleston, October 13, 16, 17, 1800; The Southern Patriot, Charleston, October 1, 1832.

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they were entitled to the usual grant of land and outfit, a part of which was a gun and a supply of ammunition. They made excellent pioneers, standing guard over the frontiers, and building new homes for themselves at the same time. Many rose to wealth and position and formed a very desirable element of the population.

As early as 1698 a law was passed requiring every planter to keep at least 1 white man on his plantation to every 6 negro slaves. The constables were to make an enumeration of the planters and the number of negroes that they kept, and then the white servants available were to be assigned by lot.[1] A similar act was passed in 1712, in which the proportion was 1 white servant to 10 negroes.[2] In this case commissioners were appointed to carry out the law. From 1698 on there were various provisions in the laws designed to keep out the undesirable classes—in the language of the act of 1716[3]—"what is commonly called native Irish, or persons of known scandalous character or Roman Catholics." The shipper was required to produce a certificate made out by the proper magistrate showing that the servant was not reputed to be a criminal nor was ever convicted of a criminal offense. Under the act of 1712 the importer was compelled to take an oath that the servants he brought were not criminals. The penalty for a violation of the law was fixed at £25 currency. The correspondence of the time seems to indicate that the colonists made strenuous efforts to keep out the criminal and worthless characters. The Irish were discriminated against, of course, for political reasons.

Bounties were freely offered by the colony to persons who brought servants with them or induced them to come. In assigning lands the settler was allowed to take 150 acres more for each man servant that he brought with him.[4] Merchants were also allowed grants of land for their efforts in this direction.[5] Cash bounties were offered at times. In 1698 the rate was £13 for all servants except Irish; in 1712 it was £14 for

[1] Charleston Year Book for 1883, p. 531; Public Records of South Carolina, MSS., Vol. VIII, p. 175; Cooper, Statutes of South Carolina, Vol. II, p. 153.

[2] Ibid., p. 385.

[3] Ibid., p. 647.

[4] See the chapter on settlement, p. 20.

[5] Public Records of South Carolina, MSS., Vol. VIII, p. 120.

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British servants; in 1716, £25 was allowed for any white servants, and £5 additional for all those of extra quality brought over in the two following years.

It seems to have been a difficult matter to induce white servants to come. One writer complained that they preferred to remain near their cabin's smoke if they must beg for a living rather than consent to go to America.[1] On the other hand, wealthy British planters always brought their servants with them, as did also the Barbadians.[2] And in the early election riots in Charleston the country faction accused the town faction of carrying the election by allowing the servants to vote.[3] Although there was a constant cry for more white servants, there must have been quite a large number introduced.

The intended servants formed a distinct class. They were deprived of all political privileges, being unable to vote or hold office. There were separate provisions relating to them in the code.[4] Whipping was prescribed in all cases where the freemen incurred a fine. There were two penalties for the same offense, depending on whether it was committed by a servant or by a freeman. An offense against a freeman was always more severely punished than an offense against a servant when committed by a freeman. Their movements were very much restricted, and elaborate laws were passed providing for the capture, return, and punishment of runaways.

No doubt many of this class went to form the poor white class, which became a permanent element of the population. It is rather significant that the poor became a public burden by 1712, just about the time that the production of rice and naval stores on a large scale began, and the danger from the undue proportion of slaves first attracted attention. The first poor law was passed in 1695. It provided for a commissioner, whose duty it was to distribute the donations, and in case that was insufficient, he could call on the treasurer of the colony for an additional £10 out of the public funds. In 1798 the commissioner was empowered to levy a poor rate. But in

[1] Public Records of South Carolina, MMS., Vol. VIII, p. 40.
[2] Ibid., Vol. I, p. 49.
[3] Rivers, Sketch of the History of South Carolina, Appendix (The Colleton County Representation); Carroll, Historical Collections, Vol. I, pp. 135–152.
[4] Cooper, Statutes of South Carolina, Vol. III, pp. 625, 697.

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1712 the poor became so burdensome, as the preamble to the act states, that their care was thrown on the parishes.[1] This change took place at the time when the plantation system was perfected and the slave was substituted for the servant and the freeman who worked for hire. There was no room for a middle class. The occupations that would have supported such a class were carried on by the slaves. Each large plantation was economically a community in itself, as it was in some respects politically. There was the plantation blacksmith, carpenter, mason, tailor, and whatever craftsman that was needed—in every case a negro slave. The factor in Charleston took the place of the small shopkeepers and retail dealers. He in fact represented the large class of middlemen of an industrial society. The workshops of the colony being in England there was no need of manufacturers. There was room only for planters and slaves. Those who did not have the ability, the capital, nor the family influence to borrow capital for running such an establishment as a plantation had become, necessarily sank into the proletariat. Many of those who started as indented servants rose to the first rank in the early days, and we may be sure that some with less ability who started as planters lost their estates by reckless management and sank from station and wealth to poverty. The poor man and the man without the capacity for managing a large enterprise were the unfortunates for whom there was no place in a system that offered so limited a field for employment. As the productive power was more and more concentrated in the production of a few staple articles, the sphere for the utilization of labor was contracted and certain occupations became odious in public opinion. Foreign commerce and planting and the professions were the only fields that offered respectable employment. But in the planting and mercantile business, even, only the owners and managers ranked high. The overseers on the plantation were mere slave drivers, and for the most part without social standing. Some of course accumulated fortunes and became connected with the aristocracy through marriage. Opportunities in the mercantile business were diminished, too, by the use of slaves as vendors of prod-

[1] Charleston Year Book for 1880; Trott, Collection of the Laws of South Carolina, p. 270.

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uce. Frequent protests were made by the people in Charleston because of that practice.[1] A grand jury in 1768 presented the grievance that many negro slaves were allowed to sell produce and engross the markets, much to the prejudice of people dependent on those occupations for a living.[2]

There could be but one result. As the dignity of labor disappeared the man without capital or family connections to make his credit good, had small chance of rising to independence and respectability. The schools were poor and he could not afford to educate his children under private tutors, much less send them abroad. The ignorance and poverty alone were sufficient to crush the laboring white. When we add to this the lack of useful and respectable employment, the origin and perpetuation of the poor whites becomes plain enough. It was economic rather than social. The social factor entered into the problem, but it was not primary nor most powerful. It must be admitted that some of the indented servants and poor freemen were paupers, debtors, and jail birds. But many became such through environment and chance, that were otherwise physically sound and normal. Such were able to make their way, if the opportunity and the incentive had been present, as they did at first. Many of this servant class found their way into the middle colonies, yet they were not perpetuated as a poor white class. Then, too, travelers noticed in the West Indies that the poor white developed in the latter stages of industrial development. They were not conspicuous as a class in the newer colonies. In South Carolina they were located on the least desirable lands. The large planters invariably secured a large share of the bottom lands in their tracts; these were exceedingly fertile and well suited to rice and indigo culture. These required much labor in clearing and in cultivation, a task that only the negro could perform successfully. The tide-water swamp was too much for the white man to attack. To this day we can trace by the location of the large plantations of former times the districts where slavery flourished. These are generally in the low swampy lands along the streams. This accounts for the location of some of those large, richly

[1] Public Records of South Carolina, MSS. Vol. XIII, p. 304.
[2] Charleston Gazettes for 1768.

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furnished mansions in the most unhealthful localities. As more and more of the desirable land was taken up by the planters the poor whites were pushed on to the sand hills of the middle country, where they have ever since been settled. That the poor whites are the wrecks left by an unfortunate industrial system, there can be but very little doubt.

Another source of the labor supply was the Indian slaves. These were prisoners of war, captives taken in raids made for the purpose, or they were bought from friendly tribes who captured them for profit. The proprietors at first encouraged slave-catching raids because it was the cheapest means of encouraging the soldiers, it was said.[1] Later, when they got control of the fur trade, this became so profitable that slave hunting was discountenanced, since it injured trade.

A very large number of Indians were enslaved in the early days. In 1708 we noticed that 1,400, almost exactly the number of white males, were held in bondage. Of these 500 were men, 600 were women, and 300 were children. This large number the report explains was due to the late successes of the colonial forces in their operations against the French, Spaniards, and Indians in the preceding five years. In 1712, in a war with the Tuscaroras of North Carolina, 800. Indians were captured and sold into slavery. This was, indeed, a powerful incentive to the soldiers, as we know the plunder was divided among them.[2] It seems that in one instance a company of traders was given a charter to do a slave-hunting business.[3] As late as 1727 we find this item in the colonial treasurer's account: "By cash received for Indian men sold for account of ye public, * * * 25 pounds."[4]

The Indian slaves were not all retained in the colony.[5] Some were exchanged for rum in the West Indies. In the report of 1709 the sale of Indian slaves to "Rhode Island, Boston, Pennsylvania, New York, and Virginia" was mentioned as a regular item of trade. The Indian was too high strung and intractable to make a good slave. He was not as faithful and

[1] Rivers, Sketch of the History of South Carolina, pp. 131, 132.
[2] Carroll Historical Collections, Vol. II, pp. 574–576.
[3] Rivers, sketch, etc. Appendix. (Representation of Colleton County.)
[4] Public Records of South Carolina, MSS., Vol. VI, pp. 350–357.
[5] Cooper, Statutes at Large of South Carolina, Vol. II, p. 324.

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trustworthy as the negro. There was great danger of his entering into conspiracies with the neighboring tribes for massacring the whites. For this reason the Indian slaves were quickly disposed of and negroes were secured to take their place.

The negro slaves before long displaced the indented servants and Indian slaves entirely. The first of these were brought to Charleston from the Barbados in 1671. Negro slavery received its first great impulse about twenty years later, when the exportation of naval stores became an important industry. It made the crude labor of the African savage useful and profitable. But negro slavery received its greatest stimulus through the introduction of rice and the opening up of the swamp lands. White men could not endure the labor in these malarial regions. The hardy Swiss and Irish peasants attempted the task, but they perished. It was said that a white man rarely succeeded in clearing more land in the swamps than he required for his grave, in which he was shortly deposited.

The improvements in rice growing did for slavery in the low country during the colonial period what the improvements in the textile industry and the invention of the cotton gin did for slavery in the uplands nearly a century later. It made profitable the exploitation of immense tracts of fertile land with the crudest labor. This fact fastened slavery on the tide-water region, as a similar circumstance caused its spread to the middle and the up country, and finally over the entire Southwest.

The African slave trade became an important branch of foreign commerce with the close of the seventeenth century. As a result, the negroes soon formed so large an element of the population as to alarm the colonists. While we have no exact enumerations of the people for this period we do have the tax returns and the official estimates. In 1708 the negro slaves were estimated to number 4,100, as against 4,080 whites and 1,400 Indian slaves.[1] By the tax returns of 1720, which was a sworn statement certified to as being exact, there were 11,868 negro slaves in the colony and 1,305 taxpayers, or an

[1] Public Records of South Carolina, MSS., Vol. V, pp. 208-210.

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estimated white population of 9,000.[1] The tax returns of 1770 gave the negro slaves as 75,178, and the white population was estimated at 45,000.[2] Even in the city of Charleston at this time the negroes were given at 5,831, while the whites numbered only 5,030.[3]

This shows that there was a very disproportionate increase of the negro population during the colonial period. It caused anxiety, and, as we have seen, various attempts were made to guard against a possible calamity by inducing white servants to come over. This failed to correct the evil. In 1708 a new plan was tried.[4] An act was passed laying an embargo on persons leaving the colony and confining settlement within the territory bounded by the Savannah on the south, the Santee on the north, and by a line 20 miles beyond the most distant plantation then located to the west. Any person leaving the colony or going beyond these limits without the consent of the governor was liable to a fine of £50, or imprisonment for one year. The reason assigned for this statute was that the province was "* * * of larger extent than the signal of alarm can reach."

In the preamble of the act of 1714 occurs this clause:[5] "Whereas the number of negroes do extremely increase in this province, and through the afflicting providence of God the white persons do not proportionately multiply, by reason whereof the safety of said province is greatly endangered * * *." By this act we find for the first time an import duty laid for the express purpose of discouraging the further introduction of negroes.[6] In addition to the customary fees and regulations a duty of £2 currency was fixed on every slave imported. Three years later an additional duty of £40 was added, to remain in force for four years.[7] To this act the British merchants made strenuous objections and pressed the proprietors to have it repealed. The proprietors then wrote to the colonial authorities that, on account of the possible danger of the large number of negroes, they were unwilling to

[1] Public Records of South Carolina, MMS., Vol. IV, p. 23.
[2] Ibid., Vol. XXXII, p. 129.
[3] Ibid., pp. 387, 388.
[4] Cooper, Statutes at Large of South Carolina, Vol. VII, p. 351.
[5] Ibid., p. 367.
[6] By an act of 1703 a duty of 20 shillings on adult negroes from the West Indies and 10 shillings on those from Africa had been imposed.
[7] Ibid., p. 369.

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repeal the duties as the dealers desired. They advised them in case there was no actual danger to substitute for the duties a regulation requiring every planter to keep at least one white man to every negro on his plantation.[1] From 1721 to 1735 the following schedule of duties seems to have been in force:[2]

Negroes above 10 years of age imported from anywhere except America, and excepting Spanish negroes, per head	£10
Children, except infants, per head	5
American negroes, per head	50
Children of this class, per head	5
Spanish negroes, mestees, and mulattoes	150

These figures appear larger than they really were, for £10 currency was worth only £1 10s. from 1730 to 1735. The discrimination in the rates against negroes imported from the other colonies was intended to keep out the cast-off criminal and otherwise undesirable slaves of their neighbors. They feared that their colony would become a dumping ground for the others.

By the act of 1764 a prohibitive tax on the first purchase was imposed, amounting to £100 per head in addition to the former rates.[3] The preambles to all of these acts show clearly the fear and anxiety of the whites lest the negroes should come to realize their superiority in numbers and attempt to overpower them. There is ample evidence that this feeling of insecurity, amounting at times to alarm, existed throughout the 18th century. It might be objected that the customary preamble introducing an act of the assembly was merely formal and was often repeated when the conditions that inspired it had obviously disappeared. There is other direct evidence, such as the contemporary correspondence, internal evidence in the acts themselves; such as regulations expressly designed to prevent negro uprisings, and, lastly, accounts of actual revolts and more numerous accounts of the plots that miscarried on account of the vigilance of the whites. The danger seems to have been greatest from about 1720 to 1770, when the proportion of wild negroes was often quite large. In 1725, for example, there were 1,751 imported when there were no more than 2,000 or 2,500 families;[4] in 1765 over

[1] Public Records of South Carolina, MSS., Vol. VII, p. 175.
[2] Ibid., Vol. XVIII, pp. 20-22.
[3] Charleston Year Book for 1883, p. 531.
[4] Public Records of South Carolina, MSS., Vol. XII, p. 180.

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8,000 were imported.[1] This was certainly an element of great danger in a community where there were already above five slaves to three white men; and we find that three serious attempts at revolt occurred during this period, one in 1720,[2] another in 1739,[3] and again in 1759.[4]

In 1720 the negroes had formed a plot to capture Charleston and to destroy every white person in the colony. A correspondent wrote[5] * * * "but it pleased God it was discovered and many of them taken prisoners, and some burned, some hanged, and some banished." Then follows a full account of the plot and how it was unearthed, the escape of some of the negroes toward the Spanish territory, and the pursuit of the militia, aided by Indians. Throughout the century there were complaints made that the Spaniards in Florida were inciting the slaves to revolt by offering them freedom and protection. The French in the Southwest were also a constant menace, as the governor and council wrote in 1734:[6] * * * "Insurrections against us have been often attempted and would at any time prove very fatal if the French should instigate them (the negroes) by artfully giving them an expectation of freedom." The most formidable revolt was that of 1739, when a considerable number of slaves secured a supply of arms and attacked the whites, killing several persons at the first blow. Then they proceeded boldly on their way to the Spanish frontier, killing and burning as they went. In this instance, as in so many others, the runaway slaves took to the swamps on being pursued, where they could maintain themselves for a long time. Certain localities became regularly infested with the bands of runaways, who stole from their hiding places to rob and plunder the neighboring plantations. To rout them out of these retreats was a perilous undertaking, in which it became customary to employ the Indians. A band of warriors would be given the privilege to scour the infested swamp and to capture or kill any negro found in hiding, a pastime in which the Indian seems to have delighted. The hue and cry of a slave hunt with Indians was intended to strike terror into the slaves, as Governor Bull explained in 1766.[7]

[1] Public Records of South Carolina, MSS., Vol. XXXII, p. 129; Vol. XXX, p. 300.
[2] Ibid., Vol., VIII, pp. 24-27.
[3] Ibid., Vol. XX, p. 179.
[4] Ibid., Vol. XXVIII, p. 67.
[5] Ibid., Vol. VIII, pp. 25-27.
[6] Ibid., Vol. XVI, p. 399.
[7] Ibid., Vol. XXXI, p. 20.

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Gradually the methods of dealing with the slaves grew into a system, as the development of the slave code clearly indicates. When the fundamental constitutions were framed for the governing of the Carolinas, slavery had found its way into all the European colonies in America. So we find that provision was made for the institution. The master was given absolute control over his slave. Starting with this very sweeping and general provision, the familiar regulations of the later code developed bit by bit, as experience suggested the need of alterations. The principal matters requiring regulation were:[1] The status of the slave and conditions under which he could be liberated; trial and punishment of offenders, and indemnification of the owners for slaves executed; the return of the runaways; the question of hiring out slaves: the problem of putting a stop to stealing, due in part to illtreatment and underfeeding by unscrupulous masters; the use of weapons, and the general question of security against revolt.

The status of the slave was rather indefinite at first. The earliest act regarding slavery in the colony, so far as we have any record, was passed, in 1682–83.[2] The provisions of this act are not known, as the title alone has been preserved. The act of 1690—the earliest that has been handed down to us—shows very strong evidence of having been modeled after the Barbadian law of 1668.[3] The preamble of the latter states that the greater part of the wealth of the island consisted in negro slaves, without whose labor the plantation could not be managed; the wants of the inhabitants could not be supplied, nor could so large a revenue be contributed to His Majesty's coffers, both on the island and in England. Lawsuits had arisen in several cases where persons had died intestate, leaving their negroes to be disposed of according to law. In such suits the courts sometimes found for one claimant, sometimes for another, without following any definite principle. To do away with this confusion and * * * "To the intent that the heir and widow who claims dower may not have bare lands without negroes to manure the same," * * * an act was passed classing negro slaves as real estate and not as chattels. Thereafter negro slaves were treated as

[1] Cooper, Statutes at Large of South Carolina, Vol. VII, pp. 342–424.

[2] Trott, Collection of the Laws of South Carolina, Vol. VIII, p. 22. (Cooper gives this date as 1682 or 1683.

[3] Rawlin, The Laws of the Barbados (London, 1679, Astor Library), No. 94.

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landed property—as a part of the plantation. This plan was adopted by South Carolina in the act of 1700, and negroes were not regarded as chattels until after the law of 1740 was enacted.[1] This provision was so unique that we may be quite certain that it was copied from the Barbadian code.

The act of 1712 was, beyond all doubt, copied from the Barbadian act of December 18, 1688.[2] The preamble of this act summed up the situation so well that it was repeated, in substantially the same language, in the various provisions of the slave code during that generation. It is worth while giving the two preambles in parallel columns:

Whereas the plantations and estates of this island can not be fully managed and brought into use without the labor and services of great numbers of negroes and other slaves; and for as much as the said negroes and other slaves brought unto the people of this island for that purpose are of barbarous, wild, and savage natures, and such as renders them wholly unqualified to be governed by the laws, customs, and practices of our nations.

It therefore becomes absolutely necessary that such other constitutions, laws, and orders should be in this island framed and enacted for the good regulating and ordering of them as may both restrain the disorders, rapines, and inhumanities to which they are naturally prone and inclined, with such encouragements and allowances as are fit and needful for their support, that from both this island, through the blessing of God thereon, may be preserved His Majesty's subjects in their lives and fortunes secured, and the negroes and other slaves be well provided for and guarded from the cruelties and insolences of themselves or other ill-tempered people or owners.

Whereas the plantations and estates of this province can not be well and sufficiently managed and brought into use without the labor and service of negroes and other slaves; and for as much as the said negroes and other slaves brought unto the people of this province for that purpose are of barbarous, wild, savage natures, and such as renders them wholly unqualified to be governed by laws, customs, and practices of this province; but that it is absolutely necessary that such other constitutions, laws, and orders should in this province be made and enacted, for the good regulating and ordering of them, as may restrain disorders, rapines, and inhumanities to which they are naturally prone and inclined, and may also tend to the safety and security of the people of this province and their estates; to which purpose be it enacted that all negroes, mulattoes, mustizoes, or Indians sold or to be sold are slaves, etc.

[1] McCrady, Slavery in South Carolina, p. 645.

[2] Cooper, Statutes of South Carolina, Vol. VII, p. 344; Rawlin, Laws of the Barbados, No. 329.

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There is no doubt that the Carolina slave code was modeled on that of the Barbados. It would seem as though the negro ought, at the outset at least, to have acquired the status of the "servant" whom he displaced. But this was not the case. The servant was a Christian; the negro was a heathen barbarian, who therefore was not entitled to the protection of the custom, the law, or the ethics of the Christian. The heathen peoples were regarded by the seventeenth century Christian very much as the Greek regarded the non-Hellenic stocks. They were "barbarians"—that is, outsiders who had no rights. While the Christian deemed it his duty to preach his religion to the heathen, he was not bound to treat him as one on the same plane with himself. This is plain from the instructions and charters granted to the early explorers who were commonly limited to the seizure of lands not belonging to a Christian prince or people. This explains the curious contradictions presented by the early slave-catchers like Hawkins, who, it is said, strictly enforced the observance of religious duties on board their vessels engaged in that nefarious traffic. The vessels, indeed, bore sacred Christian names, like Hawkins's vessel, *The Jesus*. Even the pious New England Puritans did not scruple against the slave traffic with America, nor in American Indians with the West Indies. They repeatedly gave as a reason for extending their jurisdiction and increasing their power in America, the spread of the Christian religion among the Indians. Yet when the New England colonies united in 1643[1] they provided for a disposal of the Indian captives in case God should bless their expeditions with any.

If this was the accepted doctrine it follows naturally that when a negro became converted he would acquire the rights of a Christian. This was actually feared by many. So that, in order to make slave property quite secure, a provision was inserted in the act of 1690 providing that a negro slave could not gain his freedom by accepting the Christian religion.

The status of the negro thus assumed definite form very early, the property side being especially developed. The beginning was due to the influence of the Barbadian code. But the later system was worked out in practice which

[1] See the New England Plan of Union in 1643.

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crystallized into law step by step. The rapid increase of wild slaves, both negro and Indian, hastened the development. Not until several serious revolts had occurred did the slave code take on a harsh form, requiring every master to restrict the liberty of his slaves and treat them with rigid severity. The law of 1740, passed immediately after the great uprising, became the basis of all future legislation on the subject. All the principles that had been developed in the previous acts were then applied and enlarged upon. It became more and more difficult for the slave to acquire his freedom. One avenue was left open. It was considered good public policy to hold out the promise of freedom to slaves for heroic and faithful service to the whites in times of public danger.

At the outset very wide latitude was allowed in the management of slaves. A system of hiring out slaves grew up, under which a great many abuses arose. It was customary for some masters to make arrangements with their slaves, allowing each a given amount over and above a specified sum which he was to turn in each day. The slave was allowed to go where he pleased, provided the sum agreed upon was promptly paid over to the master. He was supposed to hire out and earn the money, but he soon found it easier to make the required sum by selling wares bought or stolen from others. The practice became a nuisance, and so the Charlestonians made complaint that "Negroes are suffered to buy and sell and be hucksters of corn, pease, fowls, etc., whereby they watch night and day on the several wharfs and buy up many articles for the support of the inhabitants and make them pay an exorbitant price for the same."[1] The grand jury presented as a grievance the fact that the slaves were allowed to sell produce and engross the markets much to the prejudice of the people depending on those occupations for a living. Thieving also became very general, and, what was worse, the slaves became insolent as their independence became greater. They spent their surplus earnings in tippling shops, which became their regular resorts where plots were concocted against the whites. The danger and abuse of the system called forth a rigid system of regulation. The freedom of the slave was greatly restricted, as prudence and safety indeed

[1] Public Records of South Carolina, MSS. Vol. XVII, p. 304. Cooper, Statutes at Large of South Carolina, Vol. VII, pp. 351-370.

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required. Under a system of more rigid discipline and with the increase in the proportion of the old trained slaves over the yearly importation of the untamed savages the whites became more secure. The faithful slaves were trained regularly with the militia companies, and increased considerably the effective military power of the colony in case of an emergency.[1] The large body of faithful trained slaves also made it easier to absorb the yearly additions of dangerous raw recruits. More precautions were taken. A regular system of mounted police was organized throughout the slave districts, and the slave was hedged in on all sides. His customary half holiday was taken away from him. He could not be employed as a "scribe" or taught to read. All assemblages of negroes not in the presence of white men were strictly prohibited, and his freedom was restricted in various ways. Governor Bull reported, in 1771, that in all the colonies north of Maryland killing a slave was punished by death, but farther south, where the negroes were more numerous, it was thought dangerous to public safety to put them on an equality with the masters in that respect. It might tempt slaves to make resistance and deter their masters from inflicting punishment with exemplary severity, though ever so necessary.

By the middle of the last century, and before the up country was opened up, the institution had reached its full development in the tide-water district. It had been put in good working order, and the whole life of the colony had become adjusted with reference to it. The institution had become a vital part of the social structure and of the peculiar economic system of that section. How intimately it was connected with the raising of the staple crops on a large scale may be seen by the rapid increase in the number of negroes imported in the period from 1720 to 1735, when the swamp lands were first opened up for rice growing. The figures will make that evident.

Year.	Slaves imported.	Year.	Slaves imported.
1722	215	1726	1,751
1723	527	1730	1,833
1724	602	1735	2,907
1725	433		

[1] Public Records of South Carolina, MSS., Vol. VII, p. 347.

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The amount of rice exported during the same period was as follows:[1]

Year.		Year.	
1720 ..... barrels..	13,623	1729 ..... barrels..	32,384
1721 ..... do....	21,879	1730 ..... do....	41,722
1722 ..... do....	23,559	1731 ..... do....	39,487
1723 ..... do....	20,151	1732 ..... do....	37,068
1724 ..... do....	13,980	1733 ..... do....	50,726
1725 ..... do....	17,734	1734 ..... do....	30,323
1726 ..... do....	23,031	1735 ..... do....	45,317
1727 ..... do....	26,884	1736 ..... do....	52,349
1728 ..... do....	29,905	..... bags..	1,554

There can be no question of the significance of the coincident increase of these two sets of figures. While they show very great fluctuations from year to year, the upward tendency for the whole period is unmistakable. The fluctuations were largely due to the irregularities and uncertainty of shipping in those days, and in the case of rice it was partly due to the fact that there was no standard barrel. We know that the average barrel held about 325 pounds before 1720; the capacity had increased to 500 pounds by 1730, and later it was given as 550 pounds.

It is not necessary to rely on these figures alone, for one of the planters in 1794 made some interesting statements.[2] He wrote that after twenty years' labor, expended with little reward, in clearing the sandy uplands near the coast, accident discovered that the riches of the country lay in the swamps, and that rice was the grain congenial both to the soil and the climate. It was soon found, however, that the race of white people could not labor in them, and that he who attempted it seldom cleared more ground than sufficed for his own grave. Captive Indians were soon substituted, and in process of time laborers were drawn from Africa. The cultivation of the swamps, by their agency, became a system which made the low country flourishing and wealthy.

In fact, the raising of one or two crops on a large scale seems to have been essential to the prosperity of the slaveholders. A statistical study of the entire South on this subject has been undertaken and carried far enough up to date to show that

[1] Public Records of South Carolina, MSS. Vol. XXXII, p. 381.

[2] Ford (Americanus). The Constitutionalist, or an Enquiry, etc.; Charleston Library Misc. Tracts, Nos. 4 and 8, p. 23.

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only in those particular localities where either rice, indigo, tobacco, sugar cane, or cotton was the leading and almost the sole crop do we find any large proportion of negro population from 1790 to 1865. So that a map of the South showing the distribution of whites and blacks indicates by the relative degree of density of the slave population the localities where the staples were produced on a large scale. These regions were the fertile tide and river swamps—the rice and cane lands—and the moderately elevated lands where cotton and tobacco thrived best, while on the high lands of the interior, where the small-farm system and diversified industry prevailed, the colored population was relatively scarce, ranging from 2 to 25 per cent of the total population. The staple districts showed a strong tendency toward a slave population of 50 per cent of the total. In the rice region of South Carolina and Georgia and the cane lands of Louisiana and Mississippi it reached as high as 75 per cent and even 90 per cent.

SECTION D.—*The system of small farms of the up country.*

We come now to consider the industrial system that prevailed in the up country. There is but little to be said on the question during the colonial period now under consideration, because this section was hardly out of its teens when the Revolution broke out. Still the start that was made was most significant. Being settled, like all of the Western States, by the overflow of population from the older sections and by immigrants direct from Europe, there was no such unifying center as Charleston was to the low country. Settlers came in rapidly, in a sort of haphazard, pellmell fashion; here a little group of immigrants, there a lot of neighbors from Maryland, Pennsylvania, Virginia, or North Carolina. Each family selected a small tract of land and raised and fabricated what it could. There were no scheming traders or government agents to interfere with the natural course of events, nor were there neighbors to copy after. No one had any capital to speak of, while each family had perhaps a span of horses or a yoke of oxen, some cattle, hogs, and poultry, and grain for seed, a few rude tools, and agricultural implements. All started substantially equal, and so the land holdings were small and nearly of a size. They ranged from 50 to 500

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acres. Many of them contained about 175 acres. It is difficult to get definite statistics for this early period. Our system of survey had not been introduced then, so the holdings are irregular in shape and odd in size. In fact, the State has never been systematically surveyed, which makes it somewhat difficult to get accurate statistics of land holdings. The greatest difficulty in the way of the investigator, however, is the lack of documents and the inaccessibility of such as do exist.

The absence of exact figures does not in the least invalidate the general statement that this was a section of small farms. In the low country we run across many grants of 3,000 acres, some of 12,000 acres, and not a few as large as 24,000, and some even of 48,000 acres. For example, in the grants made to the French, about 1685, there were two 100-acre tracts, three 500, one 600, four 3,000, and two 12,000. Now, there was no such difference in the holdings of the up country farmers. There was no occasion for large holdings. Land had little value. The surplus above a small tract on which a family could make a living by the exertion of its own members was almost worthless.

Since the clearing and breaking of the land was done largely by the labor of the farmer and his sons, draft animals were used to much greater extent than on the coast. The plow was the typical agricultural implement of the up country, as the hoe was of the low country. As soon as a start had been made and a surplus of products appeared, they found a market for them in the low country. A large amount of live stock found a market in Richmond, Philadelphia, and New York.

A regular sequence of industry, starting with hunting and trapping, followed by cattle raising, and finally by a more settled agriculture, can be clearly traced here, as in the tidewater section. With the withdrawal of the Cherokees in 1755 the first stage practically ended. Then came the grazers, who drove their surplus herds to market even as far as Philadelphia and New York. Close upon this followed wheat and tobacco growing and the like. Of course there were no clearly marked limits; on the contrary, there was constant overlapping. As was to be expected, at any given time all

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stages were in existence; but each prevailed in a given locality only to be followed by the next in turn.

It was noticed that the opening up of this section caused a marked falling off in the coastwise trade with Charleston. This indicated that the planters were drawing their supplies of provisions from the up-country farmers. In fact, the low country was counted on as the main consumer of the up-country farmers' products, and so furnished this section with a market.[1] This necessitated the development of means of communication between the two sections. One would naturally suppose that the rivers, at least below the fall line, would have been utilized for this purpose. But this seems not to have been the case. The streams had been used extensively by the explorers and the fur traders, but the farmers preferred "wagoning."[2] The primitive conveyance in Carolina was a sledge. It was made with two parallel runners cut from a stick of timber curving up at one end. These were framed together and covered with boards for a floor on which to place the load. In fact it was like the hand-made sledge, still occasionally used by farmers in some sections of the North during the winter for hauling about the premises. It was a slight advance over the so-called "stone boat," well known to all farmers, which is made of a single wide oak or chestnut plank, or two of them bolted firmly together and curved slightly upward at the forward end. It is usually about 6 or 8 feet long, and being very low it is convenient for hauling heavy stones and stumps from a field to the dump when the distance is short. In South Carolina the sledge, and very likely the stone boat also, was used to haul the crops from the field to the barn, and sometimes to the boats on the creeks near by in which they were taken to market. The sledge in some cases was used in place of a carriage to convey the family to church on Sundays.[3]

But this conveyance could be used only for hauling small loads for short distances. For long-distance hauling some kind of wheeled vehicle was necessary. Tobacco was at first taken to market packed in large strongly built casks. The

[1] Carroll, Historical Collections, Vol. I, pp. 430–436. Desaussure (Phocion), Letter on the Question of Altering Representation, etc. (Charleston, 1795), Harvard College Library Political Tracts, 1795–1796, No. 5.

[2] Drayton, Memoirs of the Revolution in South Carolina, Vol. I, p. 362.

[3] Gregg, History of the Old Cheraws, p. 113.

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cask was barrel shaped, with a decided bulge in the middle to raise the ends well off the ground. It was fitted into a frame so as to allow it to revolve like the cylinder in a crusher. A shaft was fitted to a frame for hitching on an ox or a horse. In this way the farmer rolled his crop to market, sometimes over 100 miles away.[1]

For hauling flour, bacon, etc., a wagon was used. The wagoners usually hauled their produce to Charleston, often requiring two or three weeks to make a trip. It was customary for neighbors to club together, joining teams when necessary to get over bad places. These neighborhood teams would meet others on the way. Thus, before Charleston was reached, a long string of teams could be seen in line. On the way the men prepared their meals at the camp fire and slept under the wagons at night, while their teams grazed near by. At Charleston the produce was exchanged for such necessaries as were needed in the household, and then the teams started on the return trip. The storekeepers at the crossroads and ferries along the way hired these wagoners to haul their goods out for them.[2] At these places the farmers supplied themselves with such "store goods" as they could afford to get to supplement their scanty store of home-made articles. These country stores were the first signs of town life.

There are no statistics of household manufactures for this period. There was no occasion for making any record of them. But we do find frequent references that leave no doubt as to their importance and universality in the early days. The statement was frequently made that everybody wore homespun. In 1768 a correspondent wrote to his friend in Charleston that he expected to see the manufactures of the back country very much extended in the near future; that many had that winter clothed themselves with goods of their own make and many more would buy them if they could be had.[3] The same year a writer observed[4] that twice as much hemp had been produced as in the year previous, that the people were manufacturing more of their linens, like the English grade that cost from 12 to 18 pence per yard, linsey-woolseys

[1] O'Neall, Annals of Newberry, p. 285; Salley, History of Orangeburg County, p. 219 et seq.

[2] O'Neall, Annals of Newberry, p. 482.

[3] Gregg, History of the Old Cheraws, p. 157.

[4] South Carolina Gazette, November 14, 1768 (Charleston).

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and other coarse cloths. It was proposed to establish a stocking factory, and sawmills were already being erected. Flour mills were numerous, and the wheat crop was so large that they expected to ship from Camden alone 3,000 barrels of flour and 1,500 of "ship bread."

On the eve of the Revolution a society was organized to raise capital for starting factories and to promote household manufactures by offering prices for the best goods produced. Somewhat later wrote Drayton, "Here, where the population is convenient to commerce, the manufacturing business is not at all entered into, importation from abroad supplying all necessary wants. But, as transportation is more difficult to and from the middle and up country, so necessity has, in a proportionate degree, compelled the inhabitants to provide for their respective wants, and thus a domestic spirit of manufacturing has arisen which much prevails in those parts of the State. With the exception of salt and sugar, little is imported, and carpenters, smiths, masons, tanners, shoe, boot, and harness makers, saddlers, hatters, millwrights, and all other tradesmen are conveniently situated throughout the country."[1] He added that a number of smelting works, iron mills, oil mills, and flour mills had appeared in which water power was being used.

It is not difficult to trace, in a general way, the development of manufactures from such observations as these. Evidently it started in the household, each family making its homespun cloth and other articles needed. As the communities became more thickly settled the blacksmith, carpenter, shoemaker, and other tradesmen set up their shops at the crossroads and supplemented the work of the households. On the eve of the Revolution the factory driven by water power made its appearance. Capital had by that time accumulated to make the factory system a possibility. The earliest establishments of the kind were the sawmills for supplying the carpenters with lumber and the flour mills to grind the farmer's wheat into flour, which was less bulky for the long hauls to market. During the Revolution smelting works and iron mills were utilized to supply the army with arms, cannon, and other equipments.

[1] Drayton, View of South Carolina, p. 150.

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Thus the industry of the up country was becoming considerably diversified at the close of the Revolution. Its interests were quite different from those of the planters on the coast, and it is interesting to find this fact reflected in the politics of the time. One writer pointed out the great expense of transportation to the up country people, but he said they had cotton, flax, and wool in abundance to work up into clothing, iron for utensils, fruit for cider and spirits. They lacked nothing for the development of the mechanic arts that had already been established. "But," he added, "let me ask the people of the middle districts whether they will be willing to have their commercial advantages sacrificed for the advantage of back-country manufactures?"[1] This was in 1794, when the two sections were sparring for the support of the middle country in the legislature. The up country was then frequently referred to as a "manufacturing section" or as having "manufacturing interests." That is to say, this region was like the North—not what would to-day be called a manufacturing section, but a country of small farms and little shops. Hamilton pointed out the popular use of the expression in this sense in 1791.[2] He wrote: * * * "It is not uncommon to meet with an opinion, that, though the promoting of manufactures may be to the interest of a part of the Union, it is contrary to that of another part. The northern and southern regions are sometimes represented as having adverse interests in this respect. Those are called manufacturing, these agricultural States, and a species of opposition is imagined to subsist between the manufacturing and agricultural interests."

It is clear from that language that by "agricultural interests" was meant the plantation system, which was quite different from what is meant to-day by that expression. What people then had in mind in using that term was the combination of staple growing and foreign commerce carried on in the tide-water region of the South. Foreign commerce and agriculture were indeed so blended in those regions as to be parts of one whole. The planter produced for the market. He raised rice and indigo or tobacco, and the English merchant sent him all the finished goods he wanted and took the

[1] Ford (Americus), The Constitutionalist, etc., p. 47.
[2] American State Papers on Finance, vol. 1, p. 134.

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raw material in exchange. The North and the up country were just as truly agricultural section, but they differed in one essential respect from the tide-water. In those regions the farmer produced a variety and profusion of things, not primarily for the market, but for home use. The household worked up a large part of the material into home-made goods, and the village shop furnished what could not be produced on the farm. There was no such profusion of imported foreign goods as was to be found in the tide-water of the South—the colonial South. I have no doubt that a similar contrast existed between the industrial system of the back settlement in the Middle and New England colonies and that of the settlements on the coast and in the river valleys. The farmer produced primarily for the household—for home use—the latter for the local market. But there the distinction was never so marked as it was in the South. No staple could be produced for which there was an unlimited or even a steady foreign demand. Diversified industry was forced into existence and with the development of trades a home market grew up, where the farmer could dispose of his surplus produce. This market was much enlarged because of the large number of men in the coast and river towns that were engaged in the carrying trade, foreign commerce, ship building, coastwise trade, and the fisheries. The back settlements that were too remote to have access to this market were opposed to the coast and river settlements. This fact found expression in local and even in national politics in various ways.[1]

After the Revolution the up country became a wheat-growing section. Mills sprang up near the falls along the streams to convert the wheat into flour, which became an important item of export from Charleston. The abundance of water power stimulated the growth of factories, just as it is again doing now, aided by electricity. As the industry of this section was assuming some degree of maturity, cotton suddenly made its appearance as a profitable crop. With it came the plantation system and all of the peculiarities of the tide-water section.

The germ of diversified industry which here, as in the North, was ready to shoot up at a favorable moment into

[1] Libby, The Geographical Distribution of the Vote on the Constitution in 1787 (Bulletin of the University of Wisconsin).

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the factory system, a distinct system of transportation, and the modern system of farming was smothered beneath the all-profitable cotton; while in the North the appearance of cotton acted as a great stimulus to its development. The triumph of cotton meant the triumph of the tide-water institutions. It set back the development of the modern industrial system in the up country just a hundred years. But the story of cotton belongs to the third part of this discussion and will there be taken up again.

CHAPTER III.—CENTRALIZATION AND THE LACK OF LOCAL GOVERNMENT.

As different as the two sections of South Carolina were, industrially and socially, there were just as marked differences in their political conditions. At the beginning the whole government was in a sense local. With the spread of settlement from Charleston into the interior, however, it became more and more difficult for the most distant settlers to go to headquarters to attend to political matters.[1] This difficulty led to the practice of voting by proxy, a device that proved to be very unsatisfactory, on account of the temptation it gave to fraudulent voting. A man with a number of proxies in his possession wielded a great power, which easily led to intimidation, bargaining, and bribery. The election of members of the Commons House of Assembly—the only elective colonial officers—came to be a tumultuous affair, in which free whisky and free fights too often carried the day. On such occasions the unscrupulous leaders of the factions in and about Charleston had their own way.[2] The people on the frontier, who were beginning to have distinct interests, had little chance to press their claims.[3]

In 1682 the proprietors ordered that the colony be divided into three counties:[4] Berkeley embracing Charleston, extending from the Sewee River on the north to Stono Creek on the south; Craven lay adjoining it on the north; and Colleton on

[1] Rivers, Sketch of the History of South Carolina, p. 406.

[2] Ibid., 196.

[3] Ibid., pp. 441–442. Carroll Historical Collection, Vol. I, p. 135; Vol. II, p. 405.

[4] North Carolina was then to constitute Albemarle County, and was to send representatives to Charleston; otherwise it was to have a deputy governor and an administrative system of its own. Later Granville—a fourth county—was laid out in South Carolina.

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the south. Each county was to extend 35 miles inland. These divisions were called counties, but their organization was hardly that of the county. There was a high sheriff for each, as we learn from the Assembly Journals for 1692, when these officers made the election returns.[1] But there was only one "county court," with jurisdiction over the entire colony. It held all its sessions at Charleston. The frontiersmen of Colleton County complained in 1698 that the high sheriff was allowed to hold office more than one year and was exercising the power of "judge of the court of pleas."[2] Under the royal government we know that there was but one high sheriff for the entire colony, and that he held his office by patent from the Crown. The tide-water county thus never amounted to much. Governor Bull reported 1770 that "This division is of little use but to limit the jurisdiction of the justices of the peace."[3] The primary object in establishing the early counties was to afford a basis for allotting representation and to create election precincts outside of Charleston, rather than for purposes of self-government.

Local government, such as it was in South Carolina, made its appearance with the introduction of the parish system in 1706. The Episcopal Church was established in the colony through sharp practices on the part of the aristocratic party with a view of strengthening their hold on the government.[4] It was made the regular established church and supported by public funds, notwithstanding the fact that a large proportion of the people were dissenters. Two years later the colony was laid off into 10 parishes, and the English system of government was then introduced.[5]

There were two church wardens and seven vestrymen elected annually by the taxpayers or freeholders, who were also conforming Episcopalians. The vestry appointed a clerk, register, and sexton. The register kept the parish records, proceedings of the vestry, records of births, deaths, marriages, and christenings. The sexton cared for the parish

[1] Commons House Journal, Vol. I, p. 1.
[2] Rivers, Sketch of the History of South Carolina, p. 442.
[3] Public Records of South Carolina, Vol. XXXII, pp. 365–406.
[4] Rivers, Sketch of the History of South Carolina, p. 217.
[5] Whitney, Government of the Colony of South Carolina; Ramage, Local Government and Free Schools in South Carolina; Howard, Local Constitutional History of the United States.

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property. The clerk acted with the commission created to lay out the parishes and erect the churches. The clerk and sexton held office during the pleasure of the vestry; the register was annually appointed.

The ostensible object for establishing the church in the colony was a religious one, but the real purpose was political. The parish for purely church purposes was soon transformed into the parish for civil purposes as well. In 1712 the care of the poor, which had been placed in the hands of a commissioner since 1698, was intrusted to the church wardens, with the power to levy a poor rate. In 1716 a law was passed making the parishes the basis of representation, as well as the election precincts. The parish church became the regular polling place, the place for posting legal notices, publishing proclamations, and the like, and the church wardens constituted the election officers. The roads and bridges, as well as the navigable creeks, the "cuts" made to avoid bad places in the waterways or to connect two systems of channels, the ferries, were all put in charge of self-perpetuating commissions appointed in the first instance by the legislature. These were introduced in 1721. Thirty-three districts were created, which, in four cases, coincided with parish limits.[1] In other instances the parishes were split up into two, three, or even seven districts; so that the parishes had very little to do with the highways and waterways. The road districts, governed by close boards that had power to raise funds by taxation and to compel the people to work on the district's account under certain conditions, were in reality a distinct system of local units in very intimate connection with the central power. They were in fact local administrative districts of the central government. The road district has not been so regarded. It has been looked upon by some as a part of the parish; but this is obviously incorrect, since its organization was entirely distinct, and in most cases its limits were also. The members of these commissions were appointed for life, no resignations being allowed until the act of 1741, and then only after three years of service. The legislature busied itself continually with these, creating new boards, altering regulations, granting special powers for particular purposes, etc. They were clearly an outgrowth of the commissions of

[1] McCord, Statutes at Large of South Carolina, Vol. IX, pp. 1–50.

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the legislature which played so important a part in the South Carolina administrative system. This plan of road management was later extended all over the State.

The introduction of the parish system is a question of considerable interest to the student of institutional history. General McCrady, of Charleston, has stated that the parish system, as well as the social order, was carried into South Carolina from the Barbados by the colonists who came from there at the beginning of the last century.[1] These islanders were among the leaders in the colony; several became governors, and a number of others held positions of importance. Their descendants ranked with the first families. Their influence upon the colony was very evident. But we must not forget that the parish and the society of South Carolina were common to the entire tide-water region, stretching from Maryland to Georgia. The parish appeared in Virginia about the same time that it did in the Barbados. The first English settlement in the West Indies was made in 1624, and the Barbados were settled in the following year. The parish was introduced in 1629,[2] while in Virginia it had made its appearance before 1632. Just when it appeared is not known, but we know that in that year two parishes were represented in the Virginia legislature.[3] So the system must have been introduced some time before, as the parish was not allowed representation at the beginning.

The American parish was not a product of the Barbados nor of Virginia. It was clearly the transplanted English institution slightly altered to suit the new environment. There is a good deal of circumstantial evidence to indicate that the Barbadians, who were originally Englishmen or descendants of them, were influential in introducing the system into the Carolinas. When the parishes were laid out in 1706 there were ten of them, which was one less than the number in the Barbados, and six of these had the same names. Yet the par-

[1] McCrady, History of South Carolina, Vol. I, pp. 1-14; ibid., Introduction to Eminent Men of the Carolinas, Vol. I, p. 26.

NOTE.—The latter was hastily written, and contains some evident misstatement of facts; but this should not mislead the reader now that he has the larger work to refer to, which is accurately and interestingly written. It shows that the author has the true historical spirit.

[2] Poyer, History of the Barbados, p. 25.

[3] Henning, Statutes of Virginia, Vol. I, p. 228; Chandler, Representation in Virginia, p. 15.

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ishes were named after the saints, an English custom that was followed by the Barbadians in the first instance. As more parishes were created and given saintly names, of course there were more named like those in the Barbados, where the number was not increased after 1706. The most distinctive feature of the American, as well as of the Barbadian parish, was the fact that it constituted an election precinct and a district for allotting representation in the lower house. This characteristic was a later development. It did not exist at the beginning in the Barbados nor in Virginia nor in South Carolina. It was introduced in the Barbados in 1645, that is, sixteen years after the introduction of the parish.[1] In South Carolina it appeared ten years later.[2] While in Virginia the exact dates are not known, we are certain that the parish was not allowed representation at first. The explanation of this fact is clear. In the colonies generally there was a constant struggle going on between the people, on the one hand, and the governor and council, representing royalty, the church, and the aristocratic party, on the other. The people did not gain a voice in the government without a struggle. While the faction in power favored the introduction of an established church and the English parish system, it was naturally opposed to granting parish representation to the people. The popular party, however, generally gained more and more privileges. In South Carolina the church party went so far as to disfranchise all the dissenters, in order to secure the establishment of the church; but the home government interfered, and the dissenters were reinstated. Soon after, in 1716, the general assembly passed an act allowing parish representation, which was vigorously opposed by the proprietors. In 1719 South Carolina became a royal colony, and the people gained their point. But, of course, the church wardens were the election officers, and they had to be conforming Episcopalians, which must have given the church party more than its share of influence over the elections.

It seems clear that whatever explains the appearance of the parish system in the Barbados explains its appearance in South Carolina and in Virginia. These colonies were all recently settled by English emigrants, and in each economic and natu-

[1] Poyer, History of the Barbados, p. 35.

[2] The act of 1703 for establishing the church was disallowed. An attempt was made to introduce parish representation in 1706 and 1707, but this act was set aside.

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ral conditions were practically the same. So far as political contentions entered into the problem, they affected all substantially alike. The tide-water region was by nature suited to the development of a slave economy and an aristocratic society. This element of the tide-water population was in control of the government at the start, and favored the establishment of the Episcopal Church as a means of perpetuating its power and influence. This explains the introduction of the parish system. Once established, the popular party took advantage of it to secure a better representation of the people.

The number of parishes in South Carolina was increased from time to time.[1] In 1768 there were twenty-four, and Orange was erected in 1778, making twenty-five in all.[2] We noticed that the King's instructions for laying out the new townships in 1730 directed that these be erected into parishes as soon as one hundred families should have settled in them. But the party in power systematically refused this privilege to the new townships until they consented to maintain the established church. After a long delay, during which time wealth had accumulated and many dissenters had become identified with the dominant party, one after another of the townships was granted the parish organization. When the Revolution broke out, the entire low country and the settled portion of the middle country were included in the system. The parish thus showed itself to be possessed of vitality, which enabled it to survive until the days of reconstruction. It did not spread beyond the region of its origin, however, because the Revolution did away with the established church, which was its source and main prop.

Some features of the local institutions in the tide-water section need still to be mentioned. Although the parish and its subdivision, the road district, were the only vital local units at the close of the colonial period, some others had existed. The proprietary period is a very confused one, because the proprietors were forever changing their "unalterable constitutions," and, secondly, because the people paid little heed to their orders.[3]

[1] Brevard, Digest of the Laws of South Carolina, Vol. I, pp. 244, 253.

[2] All Saints was provided for by an act of 1767. It was represented in the legislature in 1768, but not in 1771. Apparently the parish had not been organized, so an act was passed in 1778, again providing for its erection.

[3] Public Records of South Carolina, Vol. VIII, p. 61.

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Joseph Boone, the royal agent sent out in 1720, wrote in answer to a question about the government, saying:[1] "It is difficult to describe its real constitution under the proprietors, for they made so many alterations and so many fundamental constitutions, soe many rules of government, that it became a heap of confusion. As for what is done by the inhabitants, they have moddeled the governmen.t as near as they could to that of Virginia and others of His Majestyes Governments in America."

This state of things left its mark on the early institutions. In the confusion the men who were familiar with the arrangements in the other British colonies naturally came to be advisers and leaders. Their experience was more prized than it would have been in the other colonies where the people had a more or less clearly defined system to guide them. There is no doubt that the early Carolinians freely utilized the experience of the older colonies in shaping their government.[2] Yet while the grand model and its numerous modifications existed largely on paper, it did not entirely, and to that extent it must be taken into account. We know that a number of landgraves and caziques were actually created. Some of the early plantations were doubtless manors. They were small political as well as economic units, over which the masters had unlimited control. When the white servants were displaced by negro slaves, the true plantation appeared. This indicates the way in which local affairs were managed. The existence of the plantation, isolated as it was in the midst of a tangle of swamps, in a climate so unhealthy as to compel the few whites to flee during several months of the year, accounts for the lack of any considerable amount of local self-government. The population was too sparse and too transient for such a township system as developed in New England. There was even a certain looseness about the parish. Governor Bull reported in 1770 that there were twenty-four benefices[3] for ministers, but that they rarely had more than fifteen or sixteen ministers at a time. The township system was introduced during the reconstruction period, but it amounts to little more than a geographical division to-day.

[1] Public Records of South Carolina, Vol. VIII, p. 61.
[2] Ibid., Vol. XXXII, p. 375.
[3] Ibid., p. 367.

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The tide-water colony was a sort of city state, with Charleston as the ruling city. During the sickly summer months the wealthy planter and his family retired to Charleston, away from the miasma of the swamps to the seaside where the atmosphere is cooled and purified by the ocean breezes. On this account it continued to be the place in which all the social, political, and business activities of the colony centered. As population spread farther inland it was necessary to find summer retreats in the interior. Many such resorts sprang into existence. The "High Hills" of the Santee in the middle country became very popular on account of their elevation and healthfulness. Many sought elevated sandy places within a day's ride of their plantations. This enabled the planter to make frequent trips to his fields to give necessary orders to his overseers and to keep an eye on his business. At these summer retreats many families collected and formed a kind of transient city. In time music, dancing, and other means of entertainment were provided, and tutors to instruct the young people. These gatherings were a powerful agency in developing a refined city society among the agricultural people. There were a few very small permanent villages outside of Charleston, such as Georgetown and Port Royal on the coast, and Dorchester 20 miles up the Ashley. These had about 250 inhabitants each at the close of the Revolution. Besides these there were perhaps a half dozen of mere hamlets like Winton, Childsburg, Edmundsburg, and Jacksonboro within the tide-water section.[1] Charleston being the only seaport town of any importance, it was the business center as well as the capital. But Charleston was more than the capital; Charleston was the government at first. As settlement spread into the interior it was slow to give up its exclusive privileges. The government remained highly centralized as long as the slaveocracy ruled the State. There was no real local government. There was not a single incorporated town in the colony. When the distant settlements demanded a more direct participation in the government, the demand was met by extending the machinery of the central government to provide for their local needs. Thus almost all local affairs of public interest were put in charge of commissions appointed

[1] Whitney, The Government of South Carolina, p. 185.

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by the legislature. In some cases, as the highway commissions, they were self-perpetuating bodies. The number and the variety of the duties of these commissions was very remarkable. A commission laid out the parishes and erected the churches, and not until this was done were they turned over to the local church wardens. There were several dozens of them that had to do with the roads, bridges, ferries, fords, and canals. Each commission collected the funds it needed itself. In short, instead of having a regularly established system of local administration cooperating with the central, the legislature carried on the work through specially created commissions, or close boards.

One question naturally arises: If the local civil power was so weak, how was the peace kept where there were so many slaves, servants, and poor whites to be kept in order? In such a community, moreover, it is not improbable that some unscrupulous planters might take advantage of the power that the possession of large numbers of slaves gave them and use it for the purpose of plundering their neighbors. This actually took place, as we have noticed. It was one of the reasons why the liberty of the slave was very much curtailed by the later code.

The peace was kept through the justices of the peace, constables, and coroners who represented the central government in the parishes and districts, and by the patrol maintained through an organized and disciplined militia. The justices of the peace were appointed by the governor as were also the coroners. The constables were appointed by the court of general sessions.[1] The justices of the peace tried small civil cases, heard the complaints of the servants, ordered slaves to be whipped if they committed offenses, broke up gaming houses, and decided cases of disputed land claims. The constables enforced the decrees of the justices of the peace. They made arrests and administered the whippings to the servants and slaves. The coroner's duty consisted in viewing the dead bodies of persons accidentally killed or murdered. It is interesting to notice that the law makes special mention of cases where the person was supposed to have died of a rattlesnake bite. These reptiles were very numerous in the early days.

[1] Whitney, The Government of the Colony of South Carolina, pp. 83–84. Cooper, Statutes at Large of South Carolina, Vol. II, pp. 29, 36, 48, 270; Vol. V, p. 246.

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In all cases the coroner could summon a jury of inquest if he desired.

The patrol came to be the police of the slave belt. The first act on the question was passed in 1704. The next was that of 1721, but the system was not formulated until the act of 1734 was passed. This law was altered in 1737 and again in 1740. The latter act, with slight changes made in 1746 and in 1839, stood until slavery was abolished. The bounds of the patrol district coincided with those of the militia districts.[1] By the act of 1721 a regular patrol was provided for. The militia captain of each district appointed a number of citizens to ride on patrol and these were relieved by alternates so as to keep a constant watch instead of an occasional one, as had formerly been done in times of alarm. In 1734 a committee was put in charge of the patrol in each district. They appointed a captain of the patrol, who selected four others, subject to the approval of the committee, to assist him in riding the patrol. Later each militia district was subdivided by the militia officers into patrol districts with a separate patrol for each. The patrol was usually selected on muster day to ride until the next muster. Any one appointed was obligated to serve, furnish a substitute, or incur a fine. The patrolmen were armed and mounted horsemen, who rode through all the highways challenging every suspicious character and compelling the slaves and servants to show their passes. If the latter were caught away from the plantation without leave, they were punished. Every plantation was supposed to be inspected once in two weeks. The negro quarters were searched for concealed weapons and all illegal practices were suppressed. A large part of the duty of the patrol was to catch runaways, punish them, and return them to their owners.

The militia system was organized as early as 1700. All white males between 16 and 60 years of age were liable to serve, except persons in office and in the professions. Each man furnished his arms and equipment, which he kept in his house ready for use at a moment's notice. Inspections were made six times each year. There was a company in each parish, sometimes more than one, with its captain commissioned by the governor, who was commander in chief. The com-

[1] Whitney, The Government of the Colony of South Carolina, pp. 92-93.

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panies of the county were united to form a regiment. Each regiment was properly officered and regularly drilled several times each year. This gave the tide-water society a military character, traces of which still exist in the prevalence of military titles in the South and the formal military style of address in vogue. In fact, South Carolina still maintains a well-drilled militia and schools for training young men in military science. This explains in part the readiness that South Carolina has always manifested for appeal to arms and the conspicuous part taken by her soldiers in our wars. It probably accounts, too, for the persistence of the practice of dueling long after it had disappeared in other sections of the country.

When the up country was settled after 1750 there was no provision for its local government. As a result in a few years the entire district was infested with organized bands of border ruffians, recruited from the neighboring colonies and from the troops disbanded at the close of the French and Indian war. These robber bands preyed upon the peaceful law-abiding farmers, who had no lawful means of redress excepting through the courts at Charleston. These were of little use to them on account of the delay and great expense involved. There was some complaint made, too, of the insolence of the royal officials and the exorbitant fees they demanded.[1] Meanwhile the criminals had ample opportunity to make their escape. As early as 1752 we find the settlers on the Pedee petitioning for better facilities for prosecuting cases in the courts. They asked for a division of Craven into two counties, and that twelve justices be appointed for the new county, authorized, without fee or reward, to hear and determine all cases, civil as well as criminal, without having any limit set to their jurisdiction. Anyone supposing himself aggrieved was to have the right to seek redress by an appeal to the superior court at Charleston. The petition was referred to a committee of the lower house, which reported against dividing Craven County on the ground that there was no town or other suitable place for holding a court in that part of the country, but they recommended that a court be established at Georgetown, in Craven County, and that justices be appointed for the county and also for the other back settlements. The jus-

[1] Gregg, History of the Old Cheraws, pp. 130–131.

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tices of the peace were appointed, but their jurisdiction was limited, rendering them of little use.[1]

The British Government was very much opposed to making concessions to the people. There was a natural fear that one concession would lead to others. It was to their advantage to keep the Government centered at Charleston, because that gave them a better grip on the colony. The sheriff and one or two court officials held their offices by patent from the Crown, and so they had a strong financial interest in keeping up the business of the courts at Charleston. It was this rather than any ill will of the planters that stood in the way at first and prevented the back-country farmers from getting their rights.

In 1767 the settlers sent a second petition to the authorities at Charleston and in the same year the men on the Congaree also sent in a petition clearly stating their grievances. They objected, among other things, to the exorbitant fees and the practice of drawing juries exclusively from the vicinity of Charleston. They asked for local courts and juries on the ground that they had the right of trial by their peers.[2]

The following year a number of back-country men, among them the Calhouns, petitioned for courts and the rights of British subjects. The border parishes had never been exactly defined, so they were supposed to extend upwards to the limits of the colony. These settlers complained that they were 200 miles from the parish church and that when they came down to vote they were refused except in Prince William's Parish. They said that there were people on the frontier that had never seen a school or heard a sermon. As a remedy they asked that the parishes be properly divided and that schools and churches be established.

These memorials were referred to a committee of the house of representatives whose chairman was Joseph Kershaw. The committee reported that from the best available information it appeared that about three-fourths of the white population of the colony was in the back-country settlements. This was doubtless somewhat exaggerated, since the number was a little less than three-fourths in 1790. The committee recommended that the back country be laid out into parishes,

[1] Public Records of South Carolina, MSS., Vol. XVI, March 16, 1752.
[2] McCrady, History of South Carolina, Vol. II, pp. 636–643.

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and that these be allowed representation in the assembly. But nothing came of it, nor of a second plan of Kershaw's drawn up in 1770.

Meanwhile the disorders in the back settlements had grown steadily worse. The same conditions prevailed in upper North Carolina. The settlers on the Pedee had talked of organizing for the purpose of making their demands more effective. This soon led to cooperation in the defense of property and the pursuit and summary punishment of criminals. The farmers banded together, calling themselves "regulators." They attempted to keep the peace much like the vigilance committees in the early days of California.

So little intercourse had there been with the coast that their motives and their purpose seem to have been entirely misunderstood. The governor said, in an address to the legislature in 1767, that tumultuous uprisings of any people are a dangerous tendency if not properly attended to; that they are a disgrace to the country, and particularly to a commercial and newly settled colony. He advised them to consider carefully means of suppressing the regulators that had so lately sprung into existence, and, in defiance of government and subversion of good order, had illegally tried, condemned, and punished many persons.[1] The council, in its reply the next day, voiced the same sentiments. The constables were ordered to arrest the regulators and bring them to justice, which led to several armed conflicts in which both farmers and constables fell. Colonel Powell, who was sent to suppress the regulators, wrote to the governor in 1768 that he found them more numerous than he had expected, and that the men he had pressed into service refused to obey his orders to advance against them.[2] He said that they complained bitterly about the want of courts and the expense of going to law as matters then stood. He said that he had been deceived as to the nature of the disturbance.

In September of that year a gentleman on the Pedee wrote to a friend in Charleston wanting to know what was thought there of the regulators. He said that at a meeting of some leading property owners on the Congaree it was decided to call a mass meeting. When the people assembled they

[1] Gregg, History of the Old Cheraws, p. 136.
[2] Ibid., pp. 246–249.

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reported a plan of regulation which was unanimously adopted. They agreed to purge the country of all undesirable characters. Every person who did not have a visible way of making an honest living was called upon to give an account of himself. If he failed to satisfy the committee, he was given notice to quit the place or he would be lashed out of the settlement with a rawhide. Such as they thought could be reformed they were a "little tender of." These were given a certain number of acres of land to cultivate in a specified length of time or receive a flogging. Criminals were to be tried when caught and severely dealt with. They asserted that the courts at Charleston were a source of oppression instead of protection to them. They bound themselves to resist the service of any warrant from a court at Charleston on the ground that the courts had no jurisdiction until a system of administering justice was given them.[1]

That is to say, the settlers agreed to rely on lynch law, which received its name at this time. They openly resisted the King's officers. At length matters came to a climax. A man by the name of Scoville (or Scofield) was sent to quell the uprising. He proclaimed himself colonel, and raised what purported to be the King's standard. He impressed all the able-bodied men he could into the service without a warrant. The "Scovillites" and the regulators met in armed force on the Saluda in March of 1769. Only the prompt recall of Scofield, who was evidently unequal to the emergency, averted a civil war.

In the meantime steady progress had been made toward providing courts in the up country. As early as 1764 we find the high sheriff, Richard Cumberland, corresponding with friends in Charleston with a view to selling his patent to the colony.[2] The negotiations were carried on through Roger Pinckney, who was to give out that the patent could be bought for £5,000 or £6,000. The leading men in the assembly in 1765 doubted whether the Government would sanction the sale. Cumberland wrote that if the assembly were to pass the circuit-court bill that it would carry with it his petition for leave to sell the patent. In April of 1768 a

[1] South Carolina Gazette (Charleston), September 2 and August 26, 1768.
[2] Weston, Documents Connected with the History of South Carolina, pp. 106–154.

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bill was passed by the assembly and approved by the governor and council, which provided for a division of the colony into seven judicial districts. Each district was to have a circuit court, with jurisdiction in all cases, just as the general court had in Charleston. The provost-marshal was to be abolished and instead there was to be a sheriff for each district, appointed by the governor from three candidates selected by the court of the district. The colony undertook to pay for the courts, and so the judges were to hold office during good behavior, independently of the pleasure of the Crown.

The bill was rejected on account of the summary jurisdiction given the courts and the tenure of office of the judges.

This was a generous concession on the part of the planters, for the old system suited their needs very well, while the expense of the new arrangement would fall almost entirely on them. The patent alone would cost them about £5,000 currency. The following year a bill was passed without the objectionable features. It provided for the following districts: Charleston, Georgetown, Beaufort, Cheraw, Ninety-Six, Camden, and Orangeburg.[1] A sheriff was to be appointed for each district. Court was to be held semiannually by four circuit judges at each court-house. The courts, however, had only limited jurisdiction. All writs and processes originated and were returnable to the court of common pleas at Charleston, so that only the hearing took place in the outlying districts. This was all the local government that the up country had during the colonial period. The events leading to the Revolution were now coming on thick and fast, and so absorbed the people's attention that nothing more was done for the back settlement until the war was over.

Chapter IV.—Suffrage and Representation.

The information on local politics in the colony is very meager and unsatisfactory. Still, it may be worth while to collect these scattered fragments and to put them into a more available form.

According to the instructions given to Sayle, the first governor, there was to be a council of 10 members, 5 deputies of

[1] Brevard, Digest of the Laws of South Carolina, Vol. I, Introduction, also p. 253.

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the proprietors and 5 freemen, to be elected by the "freemen" of the colony.[1] Besides the council there was to be a parliament of 20 persons, chosen by the "freeholders." The governor, with the assistance of these two bodies, was to govern the colony according to the fundamental constitutions. The first election for members of the council was held at Port Royal, and it brought out that factious spirit which was to characterize the colonists for many years to come. The election as held under the governor's orders, was declared illegal by Owen and a few other malcontents. In a new election the freemen confirmed their previous action. The first election for members of the popular branch was not held until the expedition had reached Albemarle Point on the Ashley. Then it was seen that there were "nott neere sufficent to elect a parliament" of 20 freeholders, so the governor assisted by the council issued temporary orders for the governing of the colony. Owen and Scrivener declared these out of order. Owen constituted himself an election and returning officer, and called for an election on July 4. The governor and council reported that two servants, Mich. Moran, a laboring Irishman, and Rich. Crossby, who had been set free by his master for idleness, were returned to parliament. But Owen's list does not contain these names. The governor attempted to ignore the action of Owen, but the latter gathered a following, especially among the newcomers, by making them believe that without a parliament all the acts of the government would be illegal, that their land titles would be void and could be annulled at any time in the future. He raised such a row that the governor had to address the people on the subject and explain his actions. The people were satisfied with the explanation. Owen was disqualified from holding any office and Scrivener was expelled from the council, though he was shortly reinstated.

It is quite probable that the ballot, in some form, was used in these early elections in Carolina.[2] We know from the instructions sent out in 1685 that it was used after that date.[3] The lower house from the first had power merely to discuss and consent to laws proposed by the governor and council. In 1694 it acquired the right to initiate legislation. From

[1] McCrady, History of South Carolina, Vol. I, pp. 125, 133–134.
[2] Rivers, Sketch of the History of South Carolina, pp. 135, 406.
[3] Carroll, Historical Collections, Vol. I, p. 116.

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that date the assembly claimed the privileges and usages of the House of Commons, and the proprietors consented. Conscious of their dignity and importance they came to style themselves "The Commons House of Assembly." Under the proprietors the government consisted of a governor, appointed by the proprietors; a council, variously constituted, and an assembly, varying in numbers, elected by the freeholders.

According to the fundamental constitutions the oldest resident proprietor was to be the governor, but as a matter of fact he was appointed by the majority of the proprietors; and after 1696 with the approval of the Crown, to whom he gave bond for the satisfactory enforcement of the navigation acts.[1] Under the Royal Government the governor was appointed by the Crown in consultation with the board of trade. The council was intended for the governing body and elaborate provisions were made for it. But these were never put in force. Instead temporary orders were made from time to time. In 1719 the number of members was fixed at 12 and these were appointed by the proprietors jointly. Under the Royal Government the council continued to consist of 12 members, selected by the Crown in consultation with the board of trade and the governor.[2]

As long as the settlements were confined to the small area about Charleston there was no particular need of election precincts or representative districts. But by 1680 the inconvenience of voting at the capital and electing members at large became manifest. There were now three groups of settlements —those about the town, where the church and government faction were strongest; those on the Edisto, where the people were nearly all dissenters, and those on the Santee, where the French were beginning to locate. The French refugees had been kindly treated by the British Government and the church, so they were on the side of the constituted authority. Following the instructions of May 10, 1682,[3] Governor Moreton erected these three districts into counties: Berkeley, Colleton, and Craven. Berkeley and Colleton

[1] Rivers, Sketch, etc., pp. 352, 354.

[2] Whitney, Government of the Colony of South Carolina, pp. 42-47; Carroll, Historical Collections, Vol. II, p. 404; North Carolina Records, Vols. I and II, Commissions to the Governors.

[3] Public Records of South Carolina, MSS., Vol. I, pp. 139-140.

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were allowed 10 members each in the assembly.[1] Craven was too sparsely settled as yet to be allowed representation, but it was given a sheriff and 4 justices of the peace, like the others. The Colleton County members were to be elected at London, later called Wilton, but there is no evidence that any election was ever held there. The elections continued to be held at Charleston in spite of instructions and protests to the contrary.[2] In 1691 Berkeley was allowed 7 members, Colleton 7, and Craven 6. The former apportionment had been unequal, since Colleton was but sparsely settled. It looked like an effort on the part of the proprietors to govern the old through the newer and more obedient section.[3] The latter apportionment was obviously unfair. The Berkeley County people protested that the other two counties were settled by newcomers. They asked "shall Frenchmen make our laws?"[4] The factions became so embittered that Governor Archdale was sent over in 1695 to restore harmony. The people petitioned for the privilege of adjusting the apportionment themselves. Accordingly the governor called a convention of all the King's "liege subjects," the "freemen," to assemble at Charleston the 19th of December, 1695.[5] At the meeting it was agreed to ask for 30 representatives, and "as many more as the commons in the assembly shall from time to time think convenient." A bill was then introduced to fix the representation at 30 for four years, and grant the commons the power "to nominate and appoint how many more shall represent the whole people."[6] Berkeley and Craven were allowed 10 each, to be elected at Charleston, and Colleton 10, to be elected at Captain Bristow's plantation, in that county. The Huguenots were not represented in 1696, when they began to petition for their rights.[7] The quarrel between the two factions continued. The contention was largely over the land grants and the payment of the quit-rents. The trouble reached a climax in Governor Moore's administration, 1700–1702. The Spanish and Indians were

[1] Rivers, Sketch, etc., pp. 134–135.
[2] Ibid., 406.
[3] McCrady, History of South Carolina, Vol. I, p. 198.
[4] Ibid., p. 235.
[5] Commons House Journal, 1692, 1701, MSS., Vol. I, pp. 89, 93, 103, 113.
[6] Ibid., Bill No. 65, p. 115 et seq.
[7] McCrady, History, etc., Vol. I, pp. 282, 288, 289.

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threatening the colony so seriously that it was considered necessary to send an expedition to St. Augustine to reduce them. The expedition resulted in a failure, and left a very large debt to pay. The governor, so the Colleton faction asserted, had carried the election in 1701 by fraud. Though the right of suffrage was vested in freeholders only, he allowed transients, servants, and even free negroes to vote. They charged him with sending the expedition into the enemy's territory for the purpose of catching Indian slaves which he sold for his own pecuniary advantage; that he attempted to monopolize the fur trade for his own personal profit.[1] They attempted to force the administration faction to settle their grievances about the land grants and quitrents or prevent the payment of the expenses of the St. Augustine expedition. The Colleton faction resorted to obstructionist measures to prevent the assembly from getting a quorum. Finally they withdrew in a body and a riot ensued. The assembly was evenly divided, 15 for the governor and 15 against him. But the courts were on the side of the administration, so the malcontents could get no protection against the town mobs. At length the struggle, which was at base a quarrel between Puritan and Cavalier, became so acute that when the latter attained the upper hand by fraud and violence in 1703 they disqualified all dissenters from sitting in the assembly. A very innocent-looking clause was added excepting such as could declare on oath that they had not received the sacrament in a dissenting church for one year past. This was intended to protect some of the authors of the measure who were rather doubtful about the church that they preferred until it became a matter of politics. They secured the French vote by running a Frenchman on their ticket.[2] Colleton, which claimed 200 voters, had only 10 that could qualify under the new regulations, and these elected 10 members. At this session the Episcopal Church was established, and a lay commission was created to exercise ecclesiastical jurisdiction with power to deprive ministers of their holdings. Mr. Ashe was sent to England by the dissenters to lay the case before the proprietors and the Govern-

[1] Carroll, Historical Collections, Vol. II, pp. 417–422. Rivers, Sketch of the History of South Carolina. Appendix (Case of the Colleton County Representation).

[2] Ibid., p. 226. McCrady, History of South Carolina, Vol. I, pp. 422, 423. Carroll, Historical Collections of South Carolina, Vol. II, p. 441.

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ment. The Queen was opposed to the commission. The acts were annulled and the dissenters were restored to their former rights. But the church was regularly established by the act of 1706 and supported by public funds.

The quarrel was at root an imported one. It was clearly a reflection of English politics of the day. The Englishmen who came to Carolina brought the feuds of the Restoration period with them. The Cavaliers introduced the manners and the lavish dress of the court, a certain levity and sprightliness that led easily to revelry and dissipation. The Puritans, on the other hand, brought their Puritan ways with all their severity and strictness. They accused the church party of being dissolute persons—"Ill livers." The Cavaliers had the wealth, political power, and social position, which made them look down on the Puritans and ridicule their "meeting houses."[1] After the proprietors lost the colony and the people came under direct royal control the factions subsided. The planters were prosperous, and as wealth accumulated many Huguenots and Puritans joined the established church and the polite society that centered about it. There was perfect toleration of the dissenters, but of course they received no public money for the support of their churches, nor were they permitted to incorporate their church societies. On the other hand, they were taxed for the support of the Episcopal Church.

By the act of 1706 and the supplemental one of 1707, parish representation was established, but the act was disallowed by the proprietors. A similar act was passed in 1716, and was again protested, but the people put it into operation in spite of the objection of the proprietors. In 1717 the first election under the new act took place. There was an entire absence of drunken riots, such as had always accompanied the elections in town. The people were greatly pleased with the new system,[2] but the next election, and the last under the proprietors, had to be held in Charleston. Under the royal régime the parish system, with the apportionment of 1716, was reintroduced. We have an exact census of the taxpayers, land

[1] Ramsay, History of South Carolina, Vol. II, pp. 16, 27–33, 45. Rivers, Sketch of the History of South Carolina, pp. 117, 118, 130–132, 182. Carroll, Historical Collections, Vol. I, p. 146, 316.

[2] Rivers, Sketch, etc., p. 286.

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holdings, and slaves, by parishes, for 1720, which makes the apportionment of representation interesting. The statistics have been arranged in tabular form, and are of sufficient value to be given in full.[1]

	Parishes.	Acres.	Average.	Slaves.	Taxpayers.	Representation as allowed.	Representation according to population.
	BERKELEY COUNTY.						
1	St. Philips and Charles Town	64,265	220	1,390	283	4	6
2	Christ Church	57,580	538	637	107	2	3
3	St. Thomas and St. Dennis	74,580	661	942	113	3	3
4	St. John's	181,375	1,885	1,439	97	3	2
5	St. James, Goose Creek	153,267½	1,432	2,027	107	3	2
6	St. Andrews	197,168½	938	2,193	210	4	5
7	St. George's	47,457	697	536	68	2	1
	COLLETON COUNTY.						
8	St. Pauls	187,976	935	1,634	201	4	5
9	St. Bartholomews	30,559	650	144	47	3	1
	GRANVILLE COUNTY.						
10	St. Helena	51,817	1,727	42	30	3	1
	CRAVEN COUNTY.						
11	St. James, Santee	117,274	2,792	584	42	1	1
	Total	1,163,319	.....	11,868	1,305	30	30

A glance at this table will show that the apportionment was not based on any exact ratio. That it was not wholly arbitrary, as the former had been, is also clear. It is very evident that an attempt was made to assign the 30 members to the 11 parishes, roughly, in proportion to their population. The exact population was not known, nor was this table accessible to the legislators in 1717. Still we can not help thinking that in so small a colony the old residents had pretty accurate knowledge about each one of the parishes, though it could not have been exact. Taking the figures as we have them, it appears that Berkeley County received 19 members, 3 less than it was entitled to. One of these went to Colleton, and 2 to Granville, which was not in existence when the former apportionments were made. The complaint that the frontier was favored in the former apportionments is clearly shown to have been well founded. Whereas Craven was formerly allowed 10 members, it was now allowed but 1, all it deserved.

[1] Public Records of South Carolina, MSS., Vol. IX, p. 23.

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While Colleton, which formerly had 10 members, was given 7, one more than was due. The town, with its mercantile and artisan interests, was apparently slighted in favor of the planting interests. While there were a few discrepancies in the assignments to different parishes that we can not exactly account for, there is no evidence that the old faction fights entered to any considerable extent into the question. It was far more just than any previous apportionment had been. The assembly had made it, and the people were satisfied.

Information concerning the apportionment of representation must be gleaned from the manuscript journals of the commons house of assembly, which are so inaccessible that it may be advisable to incorporate a statement in tabular form, showing the changes that were made from time to time:

	Parish.	Date of organization.[a]	1717.	1727.	1736.	1746.	1749.	1757.	1761.	1768.	1771 to 1775.
1	St. Philip's (Charleston).	1706	4	5	5	5	5	5	3	3	3
2	Christ Church	1706	2	2	2	2	2	2	2	2	2
3	St. John's, Berkeley	1706	3	3	3	3	3	3	3	3	3
4	St. Andrew's	1706	4	3	3	3	3	3	3	3	3
5	St. James', Goose Creek.	1706	3	4	4	4	4	4	4	3	3
6	St. Thomas and St. Dennis.	1706	3	3	3	3	3	3	3	3	3
7	St. Paul's	1706	4	4	3	3	3	3	3	3	3
8	St. Bartholomew's	1706	3	4	4	4	4	4	4	4	4
9	St. James', Santee	1706	1	2	2	2	2	2	2	2	2
10	St. Helena	1712	3	4	3	3	3	3	3	(?)	2
11	St. George's (Dorchester).	1717	.....	2	2	2	2	2	2	2	2
12	Prince George, Winyaw.	1721	.....	2	2	2	2	2	2	2	2
13	St. John's, Colleton	1734	.....	.....	3	3	3	3	3	3	3
14	Prince Frederick	1734	.....	.....	2	2	2	2	2	2	2
15	Prince William	1735	.....	.....	.....	2	2	2	2	2	2
16	St. Peter's	1746	.....	.....	.....	.....	1	1	1	1	1
17	St. Michael's	1751	.....	.....	.....	.....	.....	3	3	3	4
18	St. Stephen's	1754	.....	.....	.....	.....	.....	1	1	1	1
19	St. Mark's	1757	.....	.....	.....	.....	.....	2	2	1	1
20	St. Luke's	1767	.....	.....	.....	.....	.....	.....	.....	2	.....
21	All Saints	1767	.....	.....	.....	.....	.....	.....	.....	2	.....
22	St. David's	1768	.....	.....	.....	.....	.....	.....	.....	1	1
23	St. Matthew's	1768	.....	.....	.....	.....	.....	.....	.....	1	1
24	St. Dennis (combined with St. Thomas).	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
25	Orange	1778	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Total	.....	30	38	42	43	44	50	48	48(?)	48

[a] The dates of organization were taken from Brevard's Digest of the Laws of South Carolina, Vol. I, pp. 244–253; Cooper and McCord's Statutes at Large of South Carolina. (See Index, Vol. X.)

NOTE.—St. Michael's was split from St. Philip's in 1751.

A writer stated in 1766 that there were 20 parishes and 50 (?) members of the assembly. He observed that: "The reason why no more parishes were laid out arises from polit-

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ical motives, as it would increase the number of assemblymen, which place is so troublesome and expensive that few are to be found at an election to undertake it."[1] The members of the assembly were not paid. It was said that they spurned the idea of accepting pay for their services.[2] The expense of it may account, in part, for the long delay in extending representation to the newer sections, but only in part. The desire to manage affairs, on the part of the older sections, where the established church was a fixture and the people had become homogeneous, must have been a powerful factor. When a township was erected into a parish it was entitled to a church, a minister, a schoolmaster supported out of the public funds of the colony, and representation in the Commons House of Assembly. Parishes did not uniformly have a separate representation. St. Thomas and St. Dennis were always united into one district. So were St. George, St. Andrews, and others for a time. The assembly, after 1695, when they petitioned for the privilege, always fixed the representation by law. The governor, in 1748, complained of the lack of uniformity in the assignment of members to the different parishes.[3] He said some have 5, 4, 3, 2, or 1; others, equally entitled, have none. There was no rule of proportion observed, it seemed to him. He thought that the assembly was usurping a prerogative of the Crown; and as a substitute plan he suggested that each parish that had been entitled to representation for ten years should be allowed to send 2 members, all others 1 member, until they had enjoyed the right for ten years, then 2, like the rest. That was Governor Glenn's idea of proportion in fixing representation. He was evidently influenced by the old English system in which each shire had the right of sending two knights and each borough two citizens, irrespective of their size, population, or interests. The system bears the earmarks of its mediæval origin, when the local communities were quite integral and distinct, and the national feeling consequently quite weak. It was a representation of communities rather than of citizens.

The governor's recommendation to the home government had no effect. It was not the only time when the assembly's right to assign representation was questioned. The board

[1] McCrady, History of South Carolina, Vol. II, p. 438.
[2] Public Records of South Carolina, MSS., Vol. XXXII, pp. 373–374.
[3] Ibid., Vol. XXIII, p. 243.

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of trade had disallowed the act of 1721 in 1730 on that ground, but the assembly paid no attention to the objection.[1] In 1768 the representation of three parishes was cut down. That of St. James, Goose Creek, was permanently reduced from 4 to 3; and of St. Helena from 3 to 2; and that of St. Marks from 2 to 1.[2] This brought forth some vigorous protests. A freeholder on Goose Creek published a lengthy article on the question of representation and the power of the assembly in the matter.[3] The position of the majority in the assembly had been that the assembly had the power of granting representation by a legal enactment. That being the case, it could reduce the representation of a parish on the principle that the power that can give can also take away. The assembly had exercised the right of cutting down the representation of a parish before that date; but only in four instances was this done, and these were generally cases where an old parish lost part of its territory in the formation of a new one. The writer held that the right of representation rested on the English constitution; that it was the result of long development, reaching back to Saxon times. The King alone could grant the right to a community, and once given it could never be revoked. It rested largely on the principle that no freeholder shall be taxed without his consent. Being a part of the constitution, the assembly had no power over it. In the writer's own words: "The constitution is as much above the reach of an act of assembly as Mount Ossa is to a molehill." He saw great danger in permitting the assembly to exercise this power. He predicted the evils of gerrymandering; of electing popular nonresidents as members in the doubtful districts; and of sectional strife over the levying of the taxes and apportioning representation. The up countrymen were now demanding representation, and he said a man must be a brute who denied their right of sending representatives to the assembly, but it seemed to him that the King alone had the authority to allow it. The up country repeatedly petitioned the legislature and the governor for the privilege, in the decade from 1760 to 1770,[4] but it was not al-

[1] Whitney, Government of the Colony of South Carolina, p. 47.
[2] Cooper, Statutes at Large of South Carolina, Vol. IV, pp. 267, 299, 301.
[3] South Carolina Gazette, September 26, 1768.
[4] Public Records of South Carolina, MSS., Vol. XXXI, p. 423; McCrady, History of South Carolina, Vol. II, pp. 639–641.

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lowed until a revolutionary body—the general committee at Charleston—permitted it in 1774.[1] The up countrymen sometimes came down to the parishes to vote, but in 1768 they were shut out, except in Prince Williams Parish. This parish had originally been settled by Scotch and Irish immigrants, but there is no direct evidence that this was the reason that they received better treatment here than elsewhere.

The duration of the assembly varied somewhat. By the act of 1694, the assembly of that year was to last for three years; those following for two years, unless sooner dissolved by the governor.[2] The act of 1721 changed it back again to three years.[3] In 1745 annual assemblies were provided for.[4]

The manner of voting for assemblymen before 1685 is somewhat obscure. We know, however, from the protests made by the proprietors in 1683, against voting by proxy and other irregular ways, that the ballot in some form had been in use before that year.[5] It is not quite clear whether or not, in the early form of the ballot, the voter signed his name to the slip.[6] The ballot was used according to instructions after 1685.[7] Under the royal régime the elections were carefully regulated. According to the act of 1725 the church wardens, on receipt of the writ of election issued by the governor and council, presented themselves before a justice of the peace to take an oath pledging themselves to conduct the election according to law.[8] They were obliged to post a notice of the election on the parish church door at least two Sundays before the day set. The name of each voter was taken after he had voted, and recorded in a book kept for the purpose. This was to prevent a man from voting twice. The ballot was a small slip of paper on which were written the names of the candidates whom the voter favored. It was rolled up by the voter before depositing it. The ballot box had glass sides so that the wardens could see the ballot deposited. The election continued for two days, the polls opening at 9 a. m. and closing

[1] Moultrie, Memoirs of the Revolution, Vol. I, pp. 12–13; Drayton, Memoirs of the Revolution, Vol. I, pp. 154–155.
[2] Cooper, Statutes at Large of South Carolina, Vol. II, pp. 79–80.
[3] Ibid., Vol. III, pp. 135–140.
[4] Ibid., p. 657.
[5] Rivers, Sketch of the History of South Carolina, pp. 135, 407.
[6] McCrady, History of South Carolina, Vol. I, p. 198.
[7] Collections of the Historical Society of South Carolina, Vol. I, p. 115.
[8] McCord, Statutes at Large of South Carolina, Vol. IX, pp. 385–387.

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at 4 p. m. At the closing of the polls on the first day, the ballot box was sealed to prevent any tampering with it. Finally, the church wardens had to make the returns on penalty of £100, and attend the first two days' sessions of the house or lay themselves liable to a fine of £10. There were severe penalties against various corrupt practices—so that it is safe to conclude that under the parish system the elections were honestly and fairly conducted. A study of the acts regulating the qualifications of electors and members of the assembly shows, however, that the slaveholding element controlled the legislature. That control included, besides the power of legislation and taxation, that of appointing the colonial officers that were paid by the colony, such as public treasurer, powder receiver, commanders of the forts, postmaster, the various commissions that governed Charleston and practically managed local affairs, and subordinate officials and clerks.[1] A tabular statement of the qualifications of voters and members of the legislature brings out some interesting tendencies. At first these qualifications were prescribed by the governor according to instructions.[2] The period was one of irregularities. It is difficult to determine whether in some of the early elections all freemen were allowed to vote or not. Generally, freeholders only were accorded the privilege. The first legislative act on the subject was passed in 1696, but this has not been preserved, so that its provisions are not known. The act of 1692, granting suffrage to every man worth £10, was disallowed.[3] The main provisions of the subsequent acts have been arranged in the following tables:

[1] Public Records of South Carolina, MSS., Vol. VIII, pp. 76–77.
[2] McCrady, History of South Carolina, Vol. I, pp. 422–129.
[3] Rivers, Sketch of the History of South Carolina, p. 171.

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QUALIFICATION OF VOTERS.

Date.	Age.	Residence.	Color.	Religion.	Lands.	Other property.	Taxes.
1670–1696...	.....	Subject to regulation by the governor.					
1696–1704...	.....	Act not preserved.					
1704.....	21	3 months in the precinct.	.....	.....	50 acres.....	Or property valued at £10.	
1712.....	21	6 months in the province.	White	Christian	.....	Property valued at £30 currency.	
1716.....	21	6 months in the province.	White	Christian	.....	Property valued at £30 currency.	
1717.....	21	6 months in the parish.	White	Christian	50 acres.....	.....	Or on £50 value, currency.
1719.....	21	6 months in the parish.	White	Christian	50 acres in the province.	.....	Or on £50 value, currency.
1721.....	21	1 year in the parish ..	White	Christian	50 acres in the province.	.....	Or on 20s. value.
1745.....	21	1 year in the parish ..	White	Christian	300 acres "unsettled".	Or town property valued at £60 proclamation money.	Or on 300 acres "unsettled" land.
1759–1776...	21	1 year in the parish ..	White	Protestant.....	"Settled" plantation, or 100 acres "unsettled" land paying taxes.	Or property valued at £60 proclamation money.	Or taxes amounting to 10s. proclamation money.

QUALIFICATIONS OF MEMBERS OF THE GENERAL ASSEMBLY.

Date.	Age.	Residence.	Religion.	Color.	Lands and slaves.	Other property.
1682.....	.....	.....	.....	.....	Freehold of 500 acres	
1704.....	21	Native-born subject of Great Britain.	.....	.....	Freehold of 500 acres	
1712.....	21	.....	.....	.....	Freehold of 500 acres	Or £500 value, currency.
1716.....	21	A subject of Great Britain, having resided one year in the province.	.....	White	Freehold of 500 acres in the parish.	Or £500 value, currency.
1717.....	21	A subject of Great Britain, having resided one year in the province.	.....	White	Freehold of 500 acres in the parish, or 500 acres and 10 slaves in the county.	Or property valued at £1,000.

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1719	21	A subject of Great Britain, having resided one year in the province.	.....	White	Freehold of 500 acres and 6 slaves.	Or property valued at £1,000 in the province.
1721	21	A subject of Great Britain, having resided one year in the province.	.....	White	500 acres in a "settled" plantation, and 10 slaves.	Or property valued at £1,000 in the province.
1745	21	A subject of Great Britain, having resided one year in the province.	.....	White	500 acres in a "settled" plantation, and 20 slaves.	Or property valued at £1,000 in the province.
1759	21	A subject of Great Britain, having resided one year in the province.	Protestant.....	White	500 acres in a "settled" plantation, and 20 slaves.	Or property valued at £1,000 in the province.
1776	21	Subject and resident of the State for one year.	Protestant.....	White	500 acres in a "settled" plantation, and 10 slaves.	Or property valued at £1,000 in the province.

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The tendency was evidently to restrict the suffrage more and more. It was always confined to the whites, though not specifically denied to the negro until 1712. The age limit was uniformly twenty-one years. All native-born subjects of the King and those naturalized by act of Parliament could vote after three months' residence as the law provided in 1704. This was changed to six months in 1717, and by the act of 1721 to one year, where it remained. By an act of 1712 no person could vote who was not a professing Christian, a provision included in all the acts up to that of 1759, which specified the Protestant religion. This provision found its way into the constitutions of 1776 and 1778, and was not dropped until 1790. The property qualification was 50 acres of improved land or its equivalent in town lots, houses, chattels, etc., to the value of £10 in 1704, £30 currency in 1712, or taxable property valued at £50 currency in 1717, or property paying a tax of 20 shillings in 1721. In 1745 there was a decided step taken to exclude the small property owners from voting and from holding seats in the assembly. The preamble to the act states that "evil consequences" may flow from allowing persons who have not a "sufficient freehold and personal estate" to vote or to hold seats in the legislature.[1] The act provided that no person, who has not at least 300 acres of "unsettled" (uncultivated) land on which he pays taxes, or town property valued at £60 proclamation money, shall have the right to vote for members of the assembly. In 1759[2] the law was changed so as to read, "a settled plantation," or 100 acres of unsettled land, or property to the value of £60 proclamation money, or property paying a tax of 10 shillings proclamation money. A clause in the law provided that a person so qualified could vote in his parish or in "any other parish in which he has like qualifications." Some large property owners took advantage of that clause and voted in more than one parish at an election. The practice later resulted in a sectional controversy between the low country and the up country.[3]

The qualifications of members in like manner had a tendency to become more and more stringent and to favor the slave

[1] Cooper, Statutes of South Carolina, Vol. II, p. 656.
[2] Ibid., Vol. IV, pp. 98–99.
[3] Carolina Gazette, December 25, 1800.

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owners. The age, citizenship, color, and religious requirements were not unlike those prescribed for voters. But the property qualification was higher. In 1682 it was fixed at a freehold of 500 acres. In 1716 the land had to be located in the parish returning the member. In 1712 an alternative of town lots or other property, valued at £500 currency, was allowed. By the act of 1717 there was given a choice of either the possession of 500 acres in the parish or 500 acres and 10 slaves located in the county in which the parish returning the member was located. The equivalent in other property was raised to £1,000. In 1719 it was 500 acres and 6 slaves; in 1721, 500 acres of cleared land and 10 slaves. The number of slaves was increased to 20 in 1745, but decreased to 10 in 1776.

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PART THREE.—THE STATE.

Chapter I.—The State Government, 1774–1790.

In order to understand how the revolutionary organization in South Carolina originated, we must go back to the year 1773 and trace the history of the struggle over the tax on tea. If the local history of South Carolina were as well known as that of Massachusetts is, our historians would not have been obliged to draw so largely upon Boston for their material in writing the history of the opposition to the British tea tax. The "Boston tea party" was not the only one. Charleston had hers, as several other ports, besides Boston, also had theirs. The Charlestonians were not as picturesquely attired at the function as their Northern compatriots were, but the event was not any less successful. This incident has, until recently, not been fully understood.[1] A clear understanding of it is so essential for our purpose that we must briefly summarize it here.

The struggle over the tea tax began with the arrival of the *London* at Charleston, on Wednesday, December 2, 1773. She had come direct from London with 257 chests of the East India Company's tea on board. While a few chests, scattered with cargoes of other merchandise, had been brought into port before, this was the first large consignment that had arrived. The following day placards were posted about the town calling for a mass meeting of the people of the province, and especially of the landowners. They were requested to assemble at Great Hall, under the Exchange, at 3 o'clock, Friday afternoon. At this meeting Col. G. G. Powell was elected chairman. The meeting called on the consignees of the tea to resign their appointments. This they did at once amid the applause of the assembled citizens. A committee was then appointed, with Christopher Gadsden as chairman, to secure pledges from people all over the province not to

[1] Wallace, Chapter of South Carolina Constitutional History.

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buy nor import any tea liable to the duty.[1] When the captain of the *London* asked what he should do with the tea, he was told to keep it on board and return to England.

On December 17 a second meeting was held, at which it was resolved not to allow the tea to land, but it was agreed that no force was to be used in case it should be attempted.[2] A more elaborate pledge was issued for circulation and signature. Powell was retained as chairman and the committee was continued. The meeting agreed upon the business to come before it at the next meeting. So that we see the temporary mass meeting was taking on somewhat of a permanent form.

According to the regulations a vessel that did not unload or put its cargo in charge of a consignee within a specified time after arriving in port was to be seized by the officers of the port. Her cargo was to be placed in the King's warehouse and held for duty. Accordingly, on December 22, the officers boarded the *London*, took possession of the tea, and stored it in a cellar secured for the purpose, under the Exchange. On June 26, 1774, Captain Maitland arrived with three chests of tea in his cargo. The general committee that had been appointed to take charge of the situation was now in existence. The committee asked the captain to exalain how he came to bring that tea into port. He suggested that he was not aware of its being in his cargo until he was well on the way to America, and he promised them to destroy the stuff or take it back to England. But after he had completely loaded his ship with a cargo of rice, he allowed the tea to be stored with the rest by the officers. The general committee then had an altercation with him, during which he promised to burn the tea on the wharf in their presence on the following day. But now that the tea was stored, that could not be done without committing the offense of breaking into the king's warehouse. So that the tea was not burned. After that a number of consignments of tea were landed and, excepting one lot, stored in the same place.[3] Of this it was briefly recorded

[1] South Carolina Gazette, December 6, 1773; Commons House Journal, Vol. XXXVIII p. 8.

[2] South Carolina Gazette, December 20, 1773.

[3] Ibid., November 21, December 12, 1774.

NOTE.—This cargo was brought by Captain Ball on November 14 and was destroyed December 3, 1774.

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that: "On the 3d, at noon, an oblation was made to Neptune" in the presence of the committee of observation and the assembled crowd, which shouted thrice each time a package was emptied into the Cooper. At Georgetown some tea was also thrown into the harbor.

These incidents lack the dramatic setting which the historians have given to the corresponding incidents in Boston, but they were just as significant. The Charlestonians were quite as determined in their resistance to the tax as the men of Boston. If there were any question about this, the doubt would be dispelled by an item in one of the Charleston papers stating that 669 pounds of tea which had been smuggled in were sent back to the port from which it came, to show that it was not the few shillings of duty that they cared about; it was the principle involved.[1]

The manner in which the stored tea was disposed of is the most interesting part of the incident, and this has been very much misunderstood.[2] It was not allowed to "rot in the damp cellars," as is commonly supposed. Instead, the tea was sold by the State and the money was used for public purposes. The President of South Carolina wrote to the delegation in Congress in 1776 requesting them to get permission from Congress to sell the tea for the benefit of the treasury. A resolution was then offered in Congress by the South Carolina delegation for that purpose. In the discussion it developed that there was a strong inclination among the members to insist that the money realized from the sale of the tea should be used for the general cause, or at least for the purpose of indemnifying the Americans whose property had been destroyed in England at the outbreak of hostilities. When the South Carolina delegation saw the drift of opinion they asked permission to withdraw the resolution before it came to a vote. This was granted, and so they wrote to the legislature advising that body to dispose of the tea at once. Thereupon a bill was passed authorizing the sale of the tea stored in the warehouse at Charleston. The bill passed on the 27th of September, 1776. It provided that the tea should be sold in 12-pound packages, no person to be allowed more than one package.[3]

[1] South Carolina Gazette, November 21, December 12, 1774.

[2] NOTE.—See any of the detailed histories of that period, Hildreth, Vol. III, p. 26 et seq.

[3] House of Representatives, MSS. Journal, January, 1776, pp. 109, 119, 131–133; Cooper, Statutes at Large of South Carolina, Vol. IV, p. 352; South Carolina and American General Gazette, September 25, October 2, 1776.

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Now let us return to the consideration of the Revolutionary organization and trace its progress. On January 20, 1774, another mass meeting was held and the "general meeting" was made permanent.[1] The first call of the committee for a meeting fixed upon the 3d of March. The place of meeting was designated as "Liberty Tree," but, the weather being unfavorable, a second call was issued for a meeting on March 9. There seems to have been no further meeting, however, until the 11th. of March. At this time the general committee was empowered to call a meeting at any time. It was also empowered to enforce any regulation adopted by a mass meeting. So that when the circular letter from the Boston town meeting arrived in Charleston, the general committee, considering the events too serious to be dealt with by them, called a "general meeting" of the whole province for July 6, 1774. With this meeting historians have usually started the account in tracing the constitutional development of this period. No attempt was made by the committee to fix representation. Each parish was allowed to send as many delegates as it chose. Some sent as many as ten, while St. Andrews being a small parish with only a few white inhabitants, sent none, as most of the citizens desired to attend in person.

When the 6th day of July came, Charleston was crowded with people from all parts of the province. There were 104 deputies, "representing all parts of the province except Greenville County, St. Johns, Colleton, and Christ Church."[2] The committee of correspondence for Charleston represented the town. It was agreed that the voting should not be by parishes and that anyone present could vote; in other words, the body was merely a mass meeting of the citizens who were in sympathy with the movement inaugurated in the Northern colonies to resist the aggression of the British Government.[3] The question of sending delegates to the Continental Congress came up. A poll was opened to all to vote for suitable representatives. The merchants of Charleston tried to pack the meeting with people in favor of members opposed to the non-

[1] South Carolina Gazette, January 24, 1774.

[2] Drayton, Memoirs of the Revolution, p. 122.

NOTE.—Greenville County was not meant, because that county was not organized until after the Revolution. Possibly this was a typographical error, and Granville County was referred to (St. Helena).

[3] Alston, speech in the House of Representatives at Columbia in 1808. (American Tracts, 1808, No. 4; Boston Athenæum).

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importation agreements. The friends of the boycott plan discovered the trick in time and turned the tables by informing all their friends in town of the matter. As a result the crowd rushed to the polls and out voted the merchant clique. A general committee of 99 members was then elected to correspond with other colonies and to carry into effect the resolutions of the meeting. In fact, it had full power to deal with the situation. The general committee consisted of 15 merchants and 15 mechanics from Charleston and 69 planters from the country. This committee felt that its footing was insecure. At any rate, it decided on November 9 to call a meeting in which the whole colony should be more formally represented. It was to assemble on January 11, 1775.[1] In the call for the meeting it was stated that one of the things to be done was to elect a new general committee. On December 8, however, the committee suggested that the delegates elected should be considered a general provincial committee so as to avoid loss of time, since the former committee would naturally be dissolved by holding a general meeting. There was a difficulty in the way of calling a convention in which the whole colony was to be represented, since the back settlements had never been represented in the general assembly, and there was no regular way of providing election officers and apportioning representation. But the entire movement was irregular and revolutionary, so the general committee assumed the power and backed by common consent it was effective. The way in which the apportionment of representation was arranged is interesting, because it affected the politics of the State until the civil war, and in a less marked degree until the new constitution was adopted in 1895. According to the memoirs of Drayton and of Moultrie there was no strife over the matter.[2] Moultrie states that C. C. Pinckney suggested that Charleston be allowed 30 delegates, the number it had been allowed on the general committee, and that the parishes be permitted to send as many as they chose. The matter was talked over and the opinion prevailed that 6 from each parish would be as many as could be induced

[1] Drayton, Memoirs of the Revolution, Vol. I, pp. 155–175; Gregg, Old Cheraws, pp. 208–210; McCrady, History of South Carolina, Vol. II, pp. 557–761.

[2] Moultrie, Memoirs of the Revolution, Vol. I, pp. 12–13; Drayton, Memoirs of the Revolution, Vol. I, pp. 154–155.

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to attend;[1] but the back districts ought to be allowed 10 each, so as to have all the neighborhoods represented and kept informed.

The only divisions of the up country were the natural ones made by the large streams. There were four of these: Ninety Six, which included the back settlements between the Savannah and the Saluda rivers; the settlements between the Saluda and the Broad formed another; the settlements between the Broad and the Catawba formed a third; and those east of the Wateree a fourth. It is a curious fact that the tide-water people still thought the up country had a small population. While the estimate of the Kershaw committee in 1769, which placed it at three-fourths of the white population of the colony, was a little too large, still it was no doubt somewhat over one-half. Thus it happened that the up country was allowed only 40[2] out of 184 members in the provincial congress. This seems like a great injustice, but we must not forget that the up-country population was composed largely of newcomers, while the low country had in fact constituted the colony for over a century. To give the up country a representation in proportion to its population was like handing the colony over to another society—to invaders. It would have put the power of taxation in the hands of the up-country men while the low-country men had the property. The tide-water leaders were altogether too shrewd for that. They not only limited the representation of the up country, but at least five had themselves returned from the up-country districts. The general committee managed that in this way. They sent the call for the election in 1774, not to the regular election officials but to certain "influential gentlemen" in every parish and district.[3] The up-country delegates were exclusively chosen from among the descendants of the English elements that had entered the colony by way of Charleston, or had come from Virginia in the later migrations. No Scotch-Irish or German names appear on the list of delegates. These, General McCrady suggests, were either ignored or chose to take no part in the elections.

[1] Alston, Speech in the House of Representatives, pp. 21–22.

[2] Public Records of South Carolina, MSS., Vol. XXXV, pp. 133–138.

NOTE.—There were in fact only 39. The district between the Broad and the Catawba sent only 9 members.

[3] McCrady, History of South Carolina, Vol. II. p. 761.

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The delegates assembled at the appointed time and resolved themselves into a provincial congress. Thirty-nine of them were members of the general assembly, which contained forty-eight members at that time. The first serious business that came up was the report of the delegates to the Continental Congress of 1774. The heated discussion that followed on the articles of association brought to light the conflicting interests of the two sections of the colony. Just as the discussion in the Continental Congress had revealed the conflict of interests between the North and the South. In fact, the struggle was a similar one. It was a struggle for supremacy. The small farmers and free laborers were pitted against the planters and slavery. It was like the later sectional struggle, excepting that in the local contest slavery triumphed. The rice and indigo planters protested against prohibiting trade with England. They claimed that such action would affect the business of the Middle and New England colonies but slightly, because most of their commerce was with the West Indies and the Continent. For instance, the yearly export business of Philadelphia amounted to £700,000, and only £50,000 of this was with England, while Charleston's trade, direct with England, amounted to about £1,000,000 annually. To include rice and indigo in the list of articles prohibited from being exported to England would ruin the South Carolina and Georgia interests. The delegates from South Carolina in the Continental Congress became acrimonious. They stated that they refused to be duped by the Northern merchants. At one time the feeling rose so high that it was proposed to form the association without South Carolina. Finally a compromise was agreed upon at the suggestion of John Rutledge. The planting interests agreed to sacrifice indigo if rice were to be taken off the prohibited list. South Carolina joined with the other colonies, and the boycott against Great Britain went into operation.

The delegates who represented the small farm interests of the up country and the delegates who represented the indigo interests of the coast regarded the action of the Continental Congress as a clear case of favoritism. They declared that their business had been sacrificed to that of the rice planters and they proposed to instruct the delegates to have the rice clause stricken from the articles of association. The dele-

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gation then explained its position, and a vote taken on the question resulted against expunging the rice clause, 87 to 75.[1] A plan of compensating the other interests was drawn up instead, and a committee was selected for each parish to carry it out. According to the agreement each producer was to deliver one-third of his crop or money realized from its sale to the committee of his parish. The rice planter was to get in return an equivalent in indigo, hemp, corn, flour, lumber, pork, and butter. Rice was to be the standard of value. Its price at that time was established at 55 shillings, currency, per 100 pounds. As the market price of rice varied, the price of the other crops was to vary in the same proportion. It was impossible to carry out such a complicated plan. In the first place one-third of the rice crop in 1775 would hardly equal one-third of the indigo crop of that year, so that there would have been no rice left to exchange for the other produce. The promoters of the scheme were well aware of the fact. They were satisfied as to the impracticability of the plan. But it served to quiet the dissatisfaction, in that it seemed to indicate that the rice planters were willing to share the sacrifices entailed in the boycott.[2]

A revolutionary government was then perfected, with branches in every parish and district in the State. The Charleston delegation was to constitute the general committee, with power to summon the provincial congress at any time. It had control of the collection of debts and supervision over the city and harbor. The business of regulating affairs in the city was put in charge of a subcommittee, called the committee of inspection, that was to follow the instructions of the general committee and report to it from time to time. Likewise the country delegations were to constitute the committees for their respective parishes and districts. These also appointed subcommittees of inspection. The provincial congress arranged the plan and even filled vacancies in the delegations in order to save time.[3] Any further vacancies were to be filled by local elections. The general committees were to meet twice a month to do business and to consult with the

[1] McCrady, History of South Carolina, Vol. II, pp. 764, 767–769.

[2] The exportation of rice was later prohibited by an order of the Provincial Congress. Drayton's Memoirs, Vol. I, p. 255.

[3] Drayton, Memoirs of the Revolution, Vol. I, p. 175; Gregg, Old Cheraws, pp. 227–229.

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committees of inspection. They were to see that the boycott against Great Britain was strictly observed. Any person violating the agreement was to be declared an enemy of American liberty. His name was directed to be published in the gazettes and every patriot was called upon to boycott him. They solicited subscriptions for the sufferers in Boston. Later the local committees were granted power to permit a debtor to be prosecuted if he refused to renew his obligations or give a reasonable security, or was suspected of intending to skip the country.[1]

On the 8th of March the committee of intelligence was appointed to collect information for the use of the general committee.[2] A secret committee of five was also selected. This committee was practically to provide for the defense of the colony, but its real purpose was somewhat disguised in the resolutions creating it. On the 14th of June fourteen commissioners of the treasury were chosen and a council of safety was established. The council of safety was the executive head of the revolutionary government.[3] It had the power of organizing and of controlling the army, of ordering courts-martial, of commissioning and suspending officers. It could draw on the treasury for funds needed in the public service.

There was considerable disaffection in the up country; many refused to sign the articles of association and instead signed agreements in favor of the King.[4] The German settlers in the fork between the Saluda and the Broad were opposed to enlisting against the King, because they feared that the King would declare their lands forfeited. They feared that the rangers sent among them were there to oppress them, and that the $1,000,000 tax voted by the provincial congress was only the beginning of a ruinous system of taxation. In order to force the Germans to enter the boycott it was ordered that no more goods should be sold to them at the Congeree stores or purchased from them; that when German teamsters entered Charleston they should be compelled to show their certificates

[1] American Archives, Vol. I, p. 1109.

[2] Drayton, Memoirs of the Revolution, Vol. I, p. 22.

[3] Ibid, p. 156.

[4] Ibid., pp. 321, 322, 362, 369.

NOTE.—The provincial congress on November 1, 1775, voted that members should receive a compensation of 40 shillings currency per day. This shows the growing feeling of democracy. This was the first time that the members of the assembly had received any compensation. Drayton, Memoirs of the Revolution, Vol. II, p. 52.

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of membership in the association, or be sent back with their produce. Throughout the Revolution the interior was broken up by the contending factions.

On the 4th of November, 1775, the Continental Congress adopted the resolution: "That if the convention of South Carolina shall find it necessary to establish a form of government in that colony, it be recommended to said convention to call a full and free representation of the people, and that the said representatives, if they think it necessary, establish such a form of government as, in their judgment, will best produce the happiness of the people and most effectually secure peace and good order in the colony during the continuance of the present dispute between Great Britain and the colonies." On the 8th of the following February a committee was appointed, consisting of the council of safety and three additional members, C. C. Pinckney, William H. Drayton, and Colonel Powell, to take into consideration the resolutions of the Continental Congress. Two days later the committee was ready to report. Many objected to the provincial congress taking the question under consideration. Some urged want of authority to act in so serious a matter, while Mr. Gadsden openly expressed himself in favor of independence and exhibited a copy of Paine's Common Sense. This was a great surprise and shock to the whole body. The author of the pamphlet was reviled in language too strong to be quoted. One man expressed his willingness to ride night and day to Philadelphia if he could restore the good relations between Great Britain and America. Finally the report of the committee was read. It stated that the committee had reached the conclusion "that the present mode of conducting affairs was inadequate to the well governing of the good people of the colony; that many regulations are wanting for securing peace and good order during the unhappy disputes between Great Britain and the colonies, and that the congress should immediately take under consideration what regulations are necessary for these good purposes."[1]

On February 11, 1776, a committee of 11 members was appointed to propose and report such a plan of government as would best produce the happiness of the people and would

[1] Drayton, Memoirs of the Revolution, Vol. II, p. 171.

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most effectively secure peace and good order in the colony during the continuance of the dispute. On the 5th of March following, the provincial congress received the report of the committee. An attempt was made to reduce the number of representatives, but it failed. Three days later the report was adopted and a temporary government was established. The document can hardly be called a constitution in the American sense of the term. It was merely an act of the provincial congress, which was itself a revolutionary body. At best the document was an act of the legislature of South Carolina, that could be altered or abolished at any future session.

The regular legislature met twice after June 6, 1774. On the 15th of September of the following year Governor William Campbell dissolved the legislature and no royal governor again issued writs of election for a new one. In this way the regularly constituted authority went out of existence and the revolutionary government took its place. But the impossibility of governing a community by ties of honor without the authority of law soon became apparent. The provincial congress, following the precedent of 1719, voted itself to be the general assembly of South Carolina. It was to last until October 26, 1777. Thereafter a new one was to be elected every two years. Provision was made for a legislative council of 13 to be elected out of the general assembly.[1] There was to be an executive, called the president and commander in chief, and also a vice-president. These two officers were to be elected by joint ballot of the council and of the assembly from among the members of the general assembly or from the citizens of the State. There was to be a privy council of 6 members to advise the president, over which the vice-president was to preside. The members of the council were to be chosen by the general assembly and legislative council, each choosing 3. They did not lose their seats in the legislative council or in the general assembly, but they could not hold positions in the army. The qualifications of the president and vice-president were to be the same as for a member of the general assembly, who, according to an act of 1776, must be at least 21 years of age, a Protestant, a subject of the State for one year, and possessed of 500 acres of land in a "settled"[2] plantation and 10 slaves, or property

[1] Cooper, Statutes at Large of South Carolina, Vol. I, Constitution of 1776.

[2] This meant a plantation actually in use, but not necessarily all under cultivation.

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in the province valued at £1,000. The qualifications of voters was to remain unchanged, except that the property qualification was to be construed to mean property clear of debt.[1]

The appointing power was very important and extensive, and was given, with a very few unimportant exceptions, to the general assembly. All the State officers were appointed, as were all the local ones except the parish officers of the low country. The justices of the peace were nominated by the general assembly and commissioned by the president during his pleasure. Other judicial officers were elected by joint ballot of the general assembly and the legislative council, except judges in chancery, who were commissioned by the president and held office during good behavior. But these could be removed by address of the general assembly and the legislative council. The sheriffs were elected by joint ballot for two years. Then there was a commissioner of the treasury, a secretary of the colony, a register of mesne conveyances, and an attorney-general, all of whom were chosen by joint ballot during good behavior. All the army officers and the captains in the navy were likewise chosen by joint ballot.

The prejudice against the royal governor evidently had the effect of limiting the executive power under the first State government. The general assembly, which had always belonged peculiarly to the people, was now made the source of nearly all governmental authority. The marked concentration of power in the State government was preserved. The old name of the popular branch of the legislature—commons House of Assembly—was changed, as was also the much disliked name of governor. The new Latin name of president was chosen instead for the title of the executive, evidently for its republican associations. There was no very radical change made in the form of government after all. When we look closely we see that substantially all the old officers, with essentially the same powers and duties, were retained. In place of looking to the Crown for their appointments, as they had formerly, they looked to the general assembly. The changes were exceedingly conservative. This was to have been expected, for at that time the very thought of separation

[1] See tables on pp. 350-351.

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was abhorred by nearly every one. The arrangement was intended to be merely temporary, so that anything like a radical transformation was entirely out of place. Perhaps it was well that temporary governments were framed before the momentous events of July 4, 1776, had transpired. If the American people had been fully aware at the outset of the Revolution what the future had in store for them they might have acted less wisely in shaping their permanent governments. Certainly there would have been a greater temptation for radical action. The frenzy and excitement that always prevails during a political crisis had taken possession of the people. So striking was this phenomenon that it has gone down in history as the "spirit of 1776." But the mob—though a patriotic one, still a mob—was not directing its thought toward creating a system of government to last for all time as did the French mob during the revolution. The idea was not at all how shall we build for all time, but how shall we make the most rapid and effective resistance to the threatened British oppression? This was evidently the spirit which called into being that admirable revolutionary device—the committee of correspondence—with its ramifications in every colony and neighborhood. It was the moving force behind the Continental Congress and the provincial congresses. When the Charleston mob apportioned the representation in the first provincial congress we saw that there was no thought of how many delegates a district deserved and what effect the apportionment would have on the distribution of power for the future, but rather the thought was, how many does it require to keep all the communities informed? How many will the district be able to induce to attend? Under such circumstances the most convenient and familiar political device was naturally hit upon. In this way the work of framing a permanent system of government was put off until a more favorable time. It gave an opportunity for experiment with temporary makeshifts. These were hurriedly set up by refashioning whatever had done good service under the colonial system, without attempting innovations. In this way what was good in the system was preserved and retested; where it broke down something else was substituted. The American people became tolerant and patient through the hardships of the war. Their best men came to the front to

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lead them. The leaders of 1774 and 1775, like Sam Adams, James Otis, Christopher Gadsden, and Patrick Henry, gave way during that protracted struggle to calmer men. So long as the common danger lasted people were willing to put up with most any kind of an experiment in government. This prevented hasty action, and the result was a gradual working out of those political forms that have challenged the admiration of the world. By comparing the three different constitutions of South Carolina that were framed in 1776, 1778, and 1790 we shall see how gradual the transformation was and what valuable lessons in politics the people of this country were learning during this trying time.

Under the constitution of 1776 the apportionment of representation was changed slightly so as to accommodate the back settlements. The plan of the general committee in fixing the representation in the first provincial congress was preserved—that is, Charleston was allowed thirty, each parish six, and the new districts, with three exceptions, ten each. These exceptions included the district between the Broad and the Saluda, which was divided into three subdistricts, each having four members, the district between the Savannah and the North Fork of the Edisto, which was allowed six, and the new acquisition which was assigned ten members.[1] In all there were now 202 members—that is, eighteen additional members were allowed to the new country.

In 1778 the government was again revised by the legislature. There was to be a general assembly, composed of a senate and house of representatives. There was to be an executive called the governor and commander in chief, and also a lieutenant-governor. They were to be chosen by the two houses jointly at their first meeting every second year. At the same time a privy council was to be chosen consisting of eight members, over which the lieutenant-governor was to preside. Members of the legislature were eligible for these offices, but outsiders were also.

The change in the qualifications of officeholders and voters was a marked one. In order to qualify for the office of governor or lieutenant-governor the candidate must have resided in the State for ten years; in order to qualify for the office of

[1] Cooper, Statutes at Large of South Carolina, Vol. I, Constitution of 1776.

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privy councilor, five years. All these officials were required to be of the Protestant persuasion, and owners of settled plantations valued at least at £10,000 currency, unencumbered with debt. They were not qualified for reelection at the next succeeding election, but they were again after that. The members of the privy council were divided into two classes of four each and elected in rotation, one-half going out every second year. The senate now took the place of the legislative council, just as the latter had replaced the royal council in 1776. There were to be twenty-nine senators chosen every two years. In apportioning them the general principle of allowing one to each assembly district was followed. The exceptions were that Charleston should have two, since it consisted of two parishes, and the parishes of Prince George, Winyaw, and All Saints, and the parishes of St. Matthews and Orange were combined into two senatorial districts. The last four parishes were contiguous and had but lately been divided. The members of the senate were assigned, as the members of the house had been, so as to give the low country the majority, eighteen to eleven.

A senator must have attained the age of 35 years, and be the owner of a settled estate located in his parish or district and valued at least at £2,000 currency. A nonresident of a parish might qualify if he owned a settled estate in it valued at £7,000 currency, clear of debt. The house of representatives was composed of 202 members, just as the general assembly had been. But there was a slight change in their apportionment. Two parishes were split. Orange was cut from St. Matthews and given half of the regular quota of six members. All Saints was carved out of Prince George, Winyaw, and allowed two members, the old parish retaining four. The members of the house, like the members of the senate and the rest of the officers, were required to be Protestants. They must have resided in the State for three years, and be possessed of the same qualifications as a voter. No nonresident of a parish or district which returned him could qualify unless he owned a settled estate there worth at least £3,500 currency. At the end of seven years— that is to say, in 1785—a new apportionment was to be made, and every fourteen years thereafter * * * "in the most equal and just manner, according to the particular and comparative strength and taxable prop-

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erty of the different parts of the same, regard being always had to the number of white inhabitants and such taxable property." This was apparently a liberal provision looking toward a fair representation of all sections, with a plan for keeping it just. It has been suggested that this was done by the low-country leaders under the influence of the liberal doctrines of the Revolutionary period.

The appointing power remained substantially as it had been. The justices of the peace and other judicial officers except judges in chancery were chosen by joint ballot of the senate and the house, and were commissioned by the governor during his pleasure. The sheriffs, as formerly, were chosen on joint ballot for two years. There was a provision for two commissioners of the treasury, a secretary of state, a register of mesne conveyances, an attorney-general, a surveyor-general, a powder receiver, a collector and comptroller of the customs and waiters—all chosen by joint ballot for two years. All army officers above the rank of captain were chosen in like manner. Those below were appointed by the governor. Instead of one ordinary, residing at Charleston, there was to be one appointed for each district. No officer was allowed to succeed himself. One term must have intervened before he could be reelected. A voter must be a free white, acknowledging the existence of God, and believing in a future state of rewards and punishments. He must have attained the age of 21 years, and have resided in the State one year and be possessed of a freehold of at least 50 acres or a town lot, for which he had paid the legal taxes at least six months before the election, or he must have paid taxes the preceding year equal to the tax on a 50-acre field.

The constitution of 1778 remained in force for twelve years. But objections were made to it on account of its religious intolerance, the unnecessarily large number in the lower house, and because of its lack of permanency. The question of revising the constitution began to be agitated before 1785, the year set for the reapportionment of representation. No reapportionment was made, however, at that time.[1] The question hinged on the method to be followed in framing the new instru-

[1] Pendleton and Greenville counties were organized during this period and were allowed three members and one senator each. This gave the up country six additional members in the house and two in the senate.

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ment of government. The discussion on this point is most instructive. It indicates how, step by step, our political forms were evolved and became understood by the people. As was pointed out at the time, the general principles of liberty were familiar to all, but the forms were not understood. In the popular mind the military struggle was confounded with the political revolution. When the war was over it was popularly thought that the process was complete. There were a few men who understood the situation fully, and they pointed out that, though the American war was over, the American revolution had just begun.[1] Only the first act of the great drama was closed. It remained yet to establish and perfect our new form of government, and to work out the principles on which they rested, and to adjust ourselves to them. It was regretted by some at that time that the popular hatred engendered by the war precluded the adoption of many good features of the British system. This explains the motive for adopting a new terminology where the old suggested British royalty.

In the discussions from 1784 to 1790 some suggested that a constitutional convention should be called by the legislature to revise the constitution. They held that a revision by the legislature would not result in a permanently binding instrument. It would be merely an act of the legislature, that could be altered or replaced by any succeeding one. On the other hand, a constitution framed by a convention of the people called for that purpose by advice of the legislature would be permanent. When the question of calling a convention came up in the legislature of 1784 a bill was framed to the effect and passed by the house, but rejected by a very large majority in the senate.[2] It was rejected in the senate because it was feared that the democracy, which was then gaining ground very rapidly, would abolish the senate because of its aristocratic tendency. The opposition in the house was based on very different ground. It was argued that in order to frame a brand-new constitution there must be a total dissolution of the existing government. This would throw the State into anarchy and confusion during the interregnum. Secondly, the powers of government once annihilated, every person would have an equal right to become a party in the new social

[1] State Gazette of South Carolina, Charleston, August 3, 1786.
[2] Ibid., September 7, 1786.

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compact, and to give his vote as such, the consequences of which might be fatal to republican freedom. Thirdly, since the new constitution would be framed in compliance with an act of the legislature, it could not possibly be of more validity or stability than the existing one, which rested on the same authority. Fourthly, the people had made no complaint against the existing constitution. So it must be satisfactory to them. Lastly, the opponents protested that "the convention being under no control with respect to the forms they were to establish, might fix on a monarchy or any other form injurious to the rights of the people."

The editor of the Gazette took different ground and showed that these views were not well founded. In the first place, the convention would only be called at the suggestion of the legislature. It would not act in compliance with it at all. The delegates would be elected and instructed by the people, so that there was no occasion to fear that they would go beyond bounds. No alien in the State would have any voice in the compact, and there was no occasion for any confusion. The experience of 1778 proved this, for then, as now suggested, an old system was dropped and a new one was inaugurated.

At the same time this discussion was going on the people were also thinking very deeply on the nature of the National Government and the relation of the Commonwealths to it. A summary of the views then held is inserted here, because it shows how closely connected local and national politics were. The following statements are based on an article in the State Gazette of South Carolina in 1786.[1] The writer first summed up the defects of the articles of confederation. He enumerated four main ones—the lack of the power of coercion; the lack of the exclusive power to regulate commerce and to issue paper money; that it was a mistake to invest the sovereign power of the United States in a single legislature, and that there was too frequent rotation of officeholders. He called attention to the fact that a convention was soon to meet to remedy the first two defects. He urged that this was not sufficient. There ought to be a uniform national currency, because it would facilitate trade and bind the States together.

[1] South Carolina Gazette, August 3, 1786.

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A single-chambered legislature was dangerous. He suggested that the legislature be composed of a council of States and an assembly of the States. He suggested a president to be chosen by Congress. In this we can see the reflection of the Carolina system. He thought too frequent rotation in office was an evil, and that men should be trained in the science of government as well as in any other field. In order to adjust the principles, morals, and manners of the American people to republican institutions it was thought necessary that knowledge of every kind should be disseminated throughout every part of the United States. To that end Congress, instead of laying out a half a million of dollars in building a federal town, should appropriate only a fourth part of that sum in founding a federal university. He said that in this university let everything connected with Government, such as history, the law of nature and nations, the civil law, municipal laws of our country, and the principles of commerce be taught by able professors. That masters be employed likewise to teach gunnery, fortifications, and everything connected with defensive war. Above all, let a professor of what is called in European universities the science of economy be established in this federal seminary. His business should be to unfold the principles and practice of agriculture and manufactures of all kinds, and to enable him to make his lectures more extensively useful Congress should support a traveling correspondent for him, who should visit all nations of Europe and transmit to him from time to time all the discoveries and improvements that are made in agriculture and manufactures.

To this university the young men were to be encouraged to go after completing the courses in the local State colleges. They were then to be put on the eligible list of candidates for the honors and offices of the United States Government. After a time no one should be allowed to hold an office under the Government who had not "imbibed federal and republican ideas in the university." Another idea advanced was to bind together every State, city, county, village and township in the land through the post-office, in order to diffuse knowledge and to acquaint the people with the principles of government. The writer called the post-office "the true nonelectric wire of government. It is the only means of con-

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veying heat and light to every individual in the Federal commonwealth." He called attention to nations that had lost their freedom because of the isolation of their population, notably Sweden. Hence every means of binding the people together should be employed. Newspapers should be carried post free to every part of the country. The one thing that could lead the country to destruction was the vast extent of her territory. This evil was foreseen by Great Britain, and she purposely ceded such immense tracts of waste land, thinking it would wreck the new nation. But even this danger could be avoided by exposing for sale the lands in one State at a time, and keeping the land office shut up until every part of this new State should have been settled.

There seems to have been a good deal of discussion of the nature of sovereignty and the relation of the commonwealth to the Federal Government. It was commonly stated that the sovereign and all other power resided in the people. This the writer thought was not happily expressed. It should be that all power is derived from the people. They possess it only on the days of election. After this it is the property of their rulers, nor can they exercise or resume it, unless it is abused. The word sovereignty was misunderstood by many, hence each State pretended to be sovereign. He claimed that in Europe the term was applied only to those States that possessed the power of making war and peace, of forming treaties, and the like. Since this power belonged only to Congress, that body was the only sovereign power in the United States. The word independent was also misapplied. Not one of the individual States had any claim to independence. A State was independent only in a union with her sister States in Congress. The article ended with this appeal, thoroughly characteristic of the time: "Patriots of 1774, 1775, 1776; heroes of 1778, 1779, and 1780, come forward! Your country demands your services! Philosophers and friends to mankind, come forward! Your country demands your studies and speculations! Lovers of peace and order who declined taking part in the late war, come forward! Your country forgives your timidity and demands your influence and advice! Hear her proclaiming in sighs and groans, in her government, in her finances, in her trade, in her manufactures, in her morals, and in her manners! The revolution is not over!"

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Timothy Ford, writing in 1794 on the question of amending the State constitution in order to readjust the representation, held, that since the existing representation was fixed in the constitution it could never be altered.[1] If the constitution was not conclusive and binding on that point it was in none. While the constitution could be amended, it was advocating a false principle to contend that the constitution was made wrong in the first place. If that were true all parties could make objections, and instead of a bond of union the constitution would become a cause of contention and strife. His idea was that the constitution could be amended only in those points that were imperfectly covered, or to adjust it to new conditions not foreseen by its framers. To strengthen his position he drew a parallel between the sections in South Carolina and the States composing the Union. He used these words:[2] "What if any one State were to say, 'I do not like the Federal Government; the Constitution is badly framed; it takes away too much power from the State; upon the whole I prefer to be out of the Union, and therefore I withdraw from it.' Would the rest of the States accept of this as an excuse for receding from the Union? Would we, as a member of the Union, affix our assent to it? Just as well may one State presume to do this in respect of the Federal Government as any one district of a State, or any other party in it, attempt to unsettle the constitution they have made merely because they do not like their own contract."

He evidently denied the power of secession, and held that the Federal Government had the power of coercion. To this writer's views should be added those of Henry William Desaussure, set forth in an article published in 1795.[3] He alluded to the view that the United States Constitution was a mere compact between sovereign and independent States. Admitting that this was true to a certain extent, he contended that it was not wholly true. The General Government is indeed a federal union of sovereign States in some of its great outlines, but in some others it is a consolidation of the several States. In the case of the election of the members of the House of

[1] Ford (Americanus), The Constitutionalist, etc.

[2] Ibid., p. 51.

[3] Desaussure (Phocion), Letters on the Justice and Expediency of going into an Alteration of Representation, etc. Charleston, 1795. (Harvard College Library, Political Tracts, 1795-1796, No. 5.)

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Representatives, by the people in their individual and not in their national capacity, shows plainly a consolidation.

These extracts give us a glimpse of the local contributions to the discussions of the great questions at issue during the formative period of our Government. They indicate that we are apt to make a mistake in attributing certain ideas to this or that particular statesman. It is commonly said that Jefferson and Washington originated the idea of a national university,[1] that Hamilton originated the idea of binding the nation together by bringing the local communities in contact with Federal power and officers, by diffusing intelligence through the national post-office and in every other way. Calhoun couched the same idea in an eloquent passage in his speech on the bonus bill in 1816, when he said: "We are a rapidly—I was about to say fearfully—growing country * * * This is our pride and danger, our weakness and our strength." He favored the construction of a network of postal roads so laid out that the remotest towns and hamlets could read the news from the daily papers still wet from the presses of the large cities. It was this idea that prompted Gallatin to advocate that stupendous scheme of internal improvements in 1808 by which all sections of the country should be connected by a network of roads and canals. Many of these ideas were the outgrowth of a period of intense activity in the discussion of political problems. While the main stream of ideas has been traced to this and that main source, the smaller tributary streams are lost sight of from their very complexity, yet we may be quite certain that each contributed its driblet. We are apt to get the idea from reading secondary sources that there were a few giant minds at the beginning of our national career who created the political fabric we so much admire; that the society in which they lived contributed little and was not creative. This is a mistaken notion. That was preeminently a generation of politicians and statesmen, of students of constructive political science, which brought forth a Hamil-

[1] Washington wrote to the commissioners of the Federal district January 28, 1795, that "a plan for the establishment of an university in the Federal city has frequently been the subject of conversation." There was then no definite organization to carry out the idea, so he offered 50 shares of stock in the Potomac Navigation Company to start the fund. On March 15, Jefferson wrote to Washington concerning the professors of a college in Geneva, who were ready to come in a body because their antirevolutionary sentiments had made them unpopular.

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ton, a Washington, and a Jefferson. It was a period of constitution making. The very fact that there were different communities with widely different political experiences was an advantage, for it made so much the richer the store of experience from which material and inspiration could be drawn.

In 1789 the bill for calling a convention to revise the constitution finally passed the legislature. Of course, the main fight had been over the question of apportionment of representation in the constitutional convention. The friends of the cause argued that when the legislature submitted the constitution to the convention it brought the people back to the first principles of society, according to which all are equal.[1] We see here how widely diffused Locke's ideas on government and the theories of the French philosophers were at that time and how much the Americans were influenced by them. The social compact theory of the eighteenth century philosophers being accepted, it followed naturally that all the people ought to be equally represented, and that each parish and district ought to be allowed to choose a number of delegates exactly in proportion to its white population; but the people of the low country had too much at stake to be carried away by abstract theories. They knew very well that to allow representation on the basis of white population was to turn the convention over to the up country, which was as much different from the low country as the North was from the South. The sections were bound to clash on every important issue. So the tide-water men insisted that the representation in the convention should be just what it was in the legislature. The effect was at once visible as soon as the convention met. In every important vote the low country had the decisive majority. The up country could not carry out a single reform without the approval of the men from the coast. Concessions were made on only one important question, and that was the location of the State capital. Its location at Columbia was agreed to as a compromise after a hard struggle. It was an old question which had been thrashed over a great many times in the State legislature. It had aroused the bitterest kind of

[1] An address to the people of South Carolina by the Representative Reform Association, Charleston, 1794. Charleston Library, Miscellaneous Tracts, Vol. II, 3d series, No. X, p. 28.

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sectional hatred and animosities.[1] General Pinckney stated in the convention that he was in favor of Charleston, but he did not want the name mentioned in the constitution. Mr. Cairnes stated that the location of the capital was a question as to "whether they were to meet amongst the opulent at Charleston, which to the up-country members was a different climate, or amongst those who were styled a plebeian race."

The debate had been continued for three days. It had been characterized by violence and confusion.[2] Then the previous question was called for and the low country lost by 1 vote. This was due to numerous absences and the defection of some members from the low country. There were 239 members in the convention, just as many as there were members of the house of representatives and senators combined. Of these 209 were present, 104 voting for the low country and 105 for the up-country side. Of the 30 absentees 22 came from the low country and only 8 from the up country.[3] Every delegate that was present from the up country voted with his section excepting 1 man, William Welch, who came from the middle country, east of Wateree. On the other hand, 19 from the low country voted with the other section on this point. Finally, when the motion was put whether Columbia should be the permanent seat of goverment, the up country carried the convention by a vote of 109 to 105. This vote was taken in the committee of the whole. C. C. Pinckney moved at once that a committee be appointed to consider if some "plan of accommodation could be devised." This was lost. But the next day the motion was reconsidered and carried. The committee then chosen consisted of the governor, C. C. Pinckney and Edward Rudtledge, of Charleston, and Robert Pringle, of St. Helena Parish, for the low country; Andrew Pickens and Robert Anderson, of Pendleton district, Alexander Gillon and Joseph Calhoun, of Ninety Six, for the up country. They met on the following Sunday and arranged the famous compromise that gave the State a sort of dual government.[4] The report was unanimous. It provided for 2 treasurers, one

[1] City Gazette and Daily Advertiser, May 28, 1790; also May 31.

[2] Ibid,, May 31.

[3] The report in the City Gazette or Daily Advertiser of May 31, 1790, makes the general statement that "14 or 15" members from the low country were still absent. This was not quite correct.

[4] City Gazette and Daily Advertiser, June 1, 1790.

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to reside at Columbia and conduct the business pertaining to the districts of Orangeburg, Ninety Six, Camden, and Cheraws, the other to reside at Charleston and conduct the business pertaining to the districts of Charleston, Beaufort, and Georgetown. That is, there was to be a treasurer for each section. The surveyor-general was to have his office at Columbia, but copies of all the plots were to be kept with a deputy at Charleston. The secretary of state was to have an office at Columbia and one at Charleston. He was given the choice of either place, provided he kept a deputy at the other. The circuit judges, at the conclusion of the circuit, were to meet both at Columbia and at Charleston for the consideration of all motions in arrest of judgment, new trials, etc. Finally the governor was always to reside at the place where the legislature met while it was in session; at other times "where, in his judgment, the public interests may require." In other words, the governor might reside at Charleston, as formerly, except during the session of the legislature, when he must repair to Columbia. The seat of government was later fixed at Columbia, but subject to removal by a two-thirds vote of the State legislature. Civil officers were to be appointed throughout the State to conduct the elections. This took the power of managing elections out of the hands of the church wardens in the parishes.

The next important issue was that of apportionment of representation. On that question the men from the tide-water would not budge. They acted as a unit to keep the control of the government in their section. Several plans of introducing some principle of representation were suggested. They protested against the arbitrary way in which the legislature had assigned representation. Apparently no principle had ever been followed, unless it was that of giving the low country a good, safe majority. The plan of assigning representation according to population was proposed, but to this the lower section objected, as they did also against basing it on the combined basis of population and taxation. It was apparent that if either principle was once accepted the up country was bound to win out in the end. Population was increasing at a remarkable rate. That section was new; its climate was healthy. Everything then pointed to the up country as the most promising section. No matter how much

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it might be handicapped at the start, in time it was bound to get control of the legislature if representation was to be fixed according to either plan. The contest was described as being exciting and violent. The delegates from the low country were firm to the very last. Finally the representation was cut down from 208 to 124. The plan was to reduce the representation of each parish and district one-half. Accordingly Charleston was assigned 18 instead of 30, and the parishes 3, as a rule, instead of 6. The representation of the up country was assigned by districts, 2 or 3 to a district. This gave the up country 13 more than one-half of the former number and the low country 7 more on account of some new districts erected in that section. That is, the low country controlled the house, 70 to 54, while its white population was 28,644, as against 111,534 of the up country. Its colored population was 79,216 as compared with 29,679 of the up country.

The number of senators was increased from 31 to 37. Of this number 20 were assigned to the low country and 17 to the up country. Thus, a little more than one-fifth of the white population imposed a government upon the other four-fifths.

The qualifications of the members of the legislature were calculated to give the planter element a further advantage. A member of the house, if a resident of the parish or district which returned him, must own a freehold of 500 acres and 10 slaves free of debt, or unincumbered real estate worth at least £150, while a nonresident must have a freehold located in the parish valued at least at £500. A senator must have attained the age of 30 years, been five years a citizen and resident of the State, and be possessed of a freehold unincumbered with debt valued at £300. A nonresident of the parish was required to own a freehold in the election district returning him valued at least at £1,000. The voter must be a free white, 21 years of age, a resident and citizen of the State for two years, and be possessed of a freehold of 50 acres, or a town lot, or must have resided in the election district six months previous to the election, and have paid taxes amounting to 3 shillings sterling the previous year.

Otherwise, the main features of the constitution of 1778 were retained. The privy council was dropped, as was the religious qualification, except that no minister of the gospel

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could be a member of the legislature. At the first meeting every second year the legislature was to elect a governor and a lieutenant-governor by joint ballot. The powers and duties of the governor were made more explicit. He was given the power of granting reprieves and pardons. The qualifications of the governor were also changed. He was required to be 30 years of age, a resident and citizen of the State for ten years, and be possessed of a freehold estate valued at £1,500. The legislature retained its extensive appointive powers. All State and local officers were to be appointed as before until otherwise directed by law.

This brief outline of the State government brings to light some interesting facts. We are struck by the complete centralization of power in the legislature. It was a sort of House of Commons in the extent of its power. In fact, it constituted the government. The executive, administrative, judicial, and local officers were its creatures. The only exception to this rule was that the parish officers of the low country were elected by the people and their functions were extremely limited. A little closer inspection reveals the reason for this peculiar system. It was the outgrowth of a struggle for self-preservation on the part of the parent slaveholding society as against the new free community which had sprung up as if by magic on the vacant lands of the interior. The system was certainly ingenious in its absoluteness. Through it the slaveholding planters—a mere handful of the white population—became the absolute masters of the situation and remained so to the end. They had almost unlimited power to oppress the up-country people, yet it must be recorded to their credit that they never used their power for that purpose, nor was a single charge of corruption brought against the government in the heated controversy which led to the reform in the representation in 1808. Their administration seems to have been singularly fair and broad minded. It speaks well for the wisdom and manhood of the South Carolina planters.

The "three-fifths principle" in the Federal Constitution gave the planters a decided advantage in Congress. It increased their representation by about one-third. Not only that, but the Presidential electors and United States Senators were elected by the State legislature. This was, in fact, putting their selection in the hands of the slaveholders. What a flood

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of light the local situation in the State throws upon the character and the political theories of Calhoun! Such experiences led naturally to the theory of the concurrent majority. The absolute power of the majority must be curbed, else the two civilizations could not exist under the same government, for the free society would always have the advantage in numbers. It was bound to be so. This fact implied the ultimate extinction of slavery and of the slave society that rested on it, unless the force of numbers should be in some way restricted.

Percy Gregg,[1] in his history of the United States, in explaining why South Carolina became the leader of the South in her opposition to the tariff and the abolition of slavery, states that this was due to the early infusion of the blood of the English cavaliers with that of the Huguenots, who, as their fanaticism softened, transmitted to their offspring the traditional gallantry and martial spirit of their Gascon ancestry; that there was nothing in the situation, geographical, political, or industrial, that required her to take the foremost place in the sectional conflict; but in almost every collision the Palmetto State came to the front as the promptest, fiercest, most determined champion of State sovereignty, slavery, and Southern interests.

One runs across many effusions of this sort about the influence of the "Gascon ancestry" on South Carolina. Only those who have very little knowledge of local conditions in South Carolina would ever make such unfounded statements. The Huguenots, even though they had possessed all those qualities attributed to them, formed only a very small element of the population. It was the Scotch-Irish element of the population, if any, that gave the South Carolinian his peculiar temperament. But the racial factor was not so powerful as to offer a sufficient explanation of the attitude that this State took on the great political and economic issues of the first half century of our national existence. It was not primarily a question of race, for South Carolina had a decidedly mixed population. The key to the understanding of her history must be sought mainly in the peculiar natural environment and the economic interests and the institutions that developed in consequence of it.

There were a few changes made in the system of local gov-

[1] Gregg, History of the United States, Vol. I, p. 439.

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ernment during this period. We noticed in tracing the development of local government under the colony how finally the circuit courts were extended so as to accommodate the up country. In 1785 the county system of Virginia was introduced through the influence of Henry Pendleton, a Virginian.[1] The old judicial districts were divided into counties as nearly 40 miles square as possible. Seven justices of the peace were appointed for each by the legislature. Court was to be held every three months and justices were to serve without pay. This arrangement was not a success. On the coast the population was too scattered. Many and frequent courts were not necessary, since the large plantations took care of many minor matters. In the up country it was difficult to find so many men who were sufficiently versed in the law to attend to their duties properly. Nor could many afford to give their services free. In 1789 the district courts were given final and complete jurisdiction in all cases cognizable in a circuit court. In 1791 two more districts were organized in the up country, Washington and Pinckney. Eight years later the system of county courts was abolished, the old counties were called "districts," a name which they retained until the days of reconstruction. They were correctly named, since they were really circuit-court districts. The circuit-court judges were increased in number from four to six, and they now held court in each one of the 24 districts. This system was still in vogue when the civil war broke out. The acts of 1808 and 1815[2] directed that the sheriffs, commissioners of locations, ordinaries, clerks of the court of common pleas, and general sessions were to be elected by the people in each district. The coroners were elected for four years by joint ballot of the legislature.[3] The great mass of local functions were performed by commissions of the legislature. This was quite in keeping with the general system, since the legislature was the source of all authority. The officers being its creatures, there was an advantage in making them completely responsible to it. The commissions were directly responsible to it, since they were not only selected by the legislature but reported to it from time to time. The

[1] Ramsay, History of South Carolina, Vol. II, pp. 126, 127. McCord, Statutes at Large of South Carolina, Vol. VII, pp. 261, 262, 265.

[2] Cooper, Statutes at Large of South Carolina, Vol. V, p. 569; Vol. VI, p. 12.

[3] Ibid., Vol. VI, p. 164, act of 1821.

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number and variety of these commissions is surprising. The following are a few of the purposes for which they were appointed: [1]

1. To take bonds from the sheriffs.
2. To inspect tobacco.
3. To construct and repair streets in Charleston and to license taverns, etc. (up to 1823).
4. To have charge of the country roads, bridges, ferries, and water courses.
5. To take charge of the poor.
6. On accounts and taxes.
7. On public buildings.
8. On naval affairs
9. On inland navigation.
10. On locations.
11. On fish sluices.
12. On free schools.
13. On court-houses and jails.
14. On the affairs of Columbia.
15. On cross roads.
16. On bail.

The number of different commissions created to look after the business under each one of these heads was very large and confusing in variety. Take, for example, the work of building, repairing, and altering roads, bridges, and water courses. The acts passed on this subject alone in creating commissions, granting and altering their powers, comprises several hundred closely printed pages of the statutes at large of the State.[2] In 1825 the mass of special legislation on this question had become bulky, intricate, and confusing, so that all the former acts were repealed and a uniform act was passed creating a commission on roads and bridges for each district with uniform powers and duties.[3] These boards had power to grant license to liquor dealers and hawkers where that power had not been especially granted to local courts. The poor commissioners provided for each parish and district in the act of 1826 took the functions for caring for the poor out of the hands of the church wardens of the parishes. These boards, just as the highway boards, had power to lay and collect the necessary taxes. This was the common method of laying and collecting taxes.

[1] Flagg, Index to the Statutes of South Carolina, 1837–1857.
[2] McCord, Statutes of South Carolina, Vol. IX.
[3] Ibid., pp. 558–560.

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Chapter II.—The Industries, 1774–1865.

The attempt of Great Britain to tax the colonies and to enforce the navigation acts gave a decided impetus to manufactures in the up country of South Carolina. It aroused a peculiar public pride in the products of domestic skill and materials. Agreements were entered into to boycott British goods and to assist in promoting American manufactures. One form of agreement adopted at Charleston recommended that all freemen should refuse to buy negroes after January, 1778. The merchants signed a form from which the clause regarding the encouragement of American manufactures was omitted.[1] A circular letter from Boston encouraged the movement in favor of home industry. Lord Hillsborough publicly complimented South Carolina for treating the Boston letter "with silent contempt," basing his information on advices from his correspondents. His statement caused great indignation. The planters made it known that they stood by the patriotic party in no hesitating way. An organization was formed for the purpose of promoting manufactures. A fund was subscribed for prizes to be given to the producers of the best pieces of cloth and other articles of home make.

Throughout the revolutionary period the sawmills, flour mills, foundries, rolling and slitting mills, and gun shops of the up country increased in number and activity. We have no systematic report on manufactures before that of 1814,[2] from which we can get information regarding the number, location, and output of manufacturing establishments. The report is rather interesting in showing the location of manufacturing activity. There were 255 blacksmiths in the State, of which 205 were located in the up country; 83 tanneries, 70 of which were in the up country; 202 flour mills, of which all but 8 were in the up country; 65 sawmills, only 1 of which was in the low country; 1,458 distilleries, 12 of which were in Horry and Williamsburg. There were 3,083,188 yards of cotton cloth produced by families yearly, all in the up country excepting 121,430 yards produced in Williamsburg and Horry, where the Scotch-Irish had located, and in Beaufort. The households also produced 181,636 yards of mixed cotton

[1] South Carolina Gazette, June 1, 22, 29, and July 27, 1770.
[2] American State Papers, Finance, Vol. II, pp. 802–803.

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and woolen goods, of which none was produced in the low country excepting 5,033 yards in Williamsburg. All-wool goods amounting to 2,690 yards were produced in the up country. There were 293 hands employed in establishments engaged in making leather, soap, candles, cotton yarn, agricultural implements, flour, carriages, edge tools, whisky, muskets, tinware, and earthenware. Some concerns, employing 102 hands, engaged in making leather and candles, were located in Charleston; the rest were all in the up country.

These facts bear out the statements made in a preceding chapter. The inland districts which were landlocked developed a diversified industry. They relied on the household and the small shop for their supply of manufactured goods. Production was in the main for the household, not for the market. The surplus alone was marketed to secure such articles as salt, spices, and other things that neither the household nor the crossroad shop could supply. On the other hand, the planters who produced the staples were located on or near the water courses and they produced mainly for the market, and the foreign market at that. Their shops were in Europe. Whatever they needed they bought. This was the rule. So striking was this contrast that the low country was generally spoken of as having "agricultural interests." The up country was called a "manufacturing section."

But the sudden rise of cotton as a profitable staple on the uplands soon changed all this. The inland farmers quit raising grain and other food stuffs mainly for the household and produced cotton for export. They built better roads, improved river navigation, and constructed canals to make the market more accessible. Industry became less and less diversified and more concentrated in raising cotton. The history of the cotton industry has been so fully treated in a monograph by Dr. Hammond[1] while this investigation has been in progress, that it is unnecessary to give a detailed account of it here. A brief sketch of the industry will suffice.

Cotton was mentioned as a possibility as early as 1607 in Virginia and 1664 in South Carolina. It was not cultivated to any extent, however, until 1774. Cotton had been imported and woven into a cheap grade of goods that were generally

[1] Hammond, The Cotton Industry, Columbia University Studies.

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worn by the poor people. These domestic manufactures were discountenanced by the British Government. When the Revolution broke out, the importation of foreign goods was stopped. This greatly stimulated the production of homemade goods, as we have noted. The demand for cotton fiber was increased, and more began to be raised. Both the Continental Congress and the State legislature encouraged its production.

The only variety known in America before 1785 was the upland cotton. About that time the sea-island variety became known. It found its way into South Carolina a few years later. The planters' great difficulty in making cotton profitable was the expense of separating the seed from the fiber. A slave could clean by hand only 1 pound in a day. At that rate it was not profitable to keep a slave constantly employed at this kind of work. The planters managed to keep cotton cleaning as busy work to be done at odd moments. In 1787 Samuel Maverick sent 300 pounds to England, but was informed that it was worthless, because it could not be cleaned to any advantage. By 1790 the textile industry in England had reached the factory stage in its development. One more invention was required to put the entire cotton industry on a machine basis. The machine still wanting was the cotton gin, which Whitney supplied in 1792. It was the final link in the chain of inventions that gave cotton its world-wide importance. The following table, arranged by Hobson, brings out this fact very clearly:[1]

Cotton imported.		Inventions, etc.	
	Pounds.		
1730	1,545,472	1730	Wyatt's roller spinning (patented 1738).
		1738	Kay's fly shuttle.
1741	3,645,031	1748	Paul's carding machine (useless until improved by Lees, Arkwright, Wood, 1772–1774).
1764	3,870,392	1764	Hargreave's spinning jenny (patented 1770), for weft only.
		1764	Calico printing introduced into Lancashire.
		1768	Arkwright perfects Wyatt's spinning frame (patented 1769), liberating cotton from dependence on linen warp.
1771 to 1775	4,764,589	1771	Arkwright's mill built at Cromford.
		1775	Arkwright takes patent for carding, roving, spinning.
		1779	Crompton's mule completed (combining jenny and water frame, producing finer and more even yarn).
1781	5,198,775		
1785	18,400,384	1785	Cartwright's power loom.
			Watt and Bolton's first engine for cotton mills.
1792	34,907,497	1792	Whitney's saw gin.

[1] Hobson, The Evolution of Modern Capitalism, pp. 59–60.

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This table evidently exhibits two well defined stages in the progress of inventions. The preparatory inventions of Wyatt, Paul, and others from about 1730 to 1770 mark the initial step. Following these from 1770 to 1792 came the really great inventions—the matured product of the foregoing experiments. After 1792 came the application of steam power to manufacture and the improvement on the former inventions.

It was not the invention of the cotton gin nor any one single invention that made cotton profitable. One machine by itself could not have accomplished this. In fact, there was a constant difficulty in keeping the carding, spinning, and weaving machinery balanced. For example, when the fly shuttle was invented the weaving process was so far in advance of the spinning that a large part of the advantage gained by the invention was lost, since there was not yarn enough to keep the machine going. The full significance of Whitney's invention can be fully understood only when taken in connection with the entire series of inventions in the textile industry. Then we see, coming just in the nick of time as it did, what a revolutionizing thing it really was. It was foreseen before 1790 that the cotton industry was bound to become very important. It is on record that Madison and Jefferson both made the prediction as early as 1785. By 1794 it had become a demonstrated fact. It was then known that cotton could be profitably grown on the light soils of the middle and up country. Timothy Ford wrote in that year that some planters in the middle country and in Georgia had already made double the sum per hand that they had done formerly from rice and indigo.[1] From that time on cotton planting advanced rapidly and spread gradually farther and farther up the State and to the southwest. The results of this were many and far-reaching. It revolutionized the system of industry in the middle and in the up country and determined what it should be in the new southwest. It gave a new lease of life to slavery by making it immensely profitable in the extensive uplands of the South. Up to this time the plantation system—that is to say, the system of raising staple crops for export and the importation of finished goods for consumption—had been confined to a very limited area

[1] Ford, the Constitutionalist, etc., p. 46.

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near the coast. This was the colonial South. Back of this region were the uplands, landlocked and unsuited to the production of the staple crops of that time—rice, indigo, and tobacco. This circumstance led many to look forward to the time when slavery would die out of its own accord, the theory being that slavery was profitable only in the exploitation of new regions. As soon as the native fertility of the soil was once exhausted and more intensive methods of agriculture were required, slavery would gradually disappear from that region. The gradual recession of slavery from New England and Middle States lent color to this theory. The system was even declining in Virginia before the advent of cotton made slave breeding profitable for the southwestern market. The extinction of slavery in the New England and Middle States was not so much due to the freeing of the slaves as it was to their transference to regions where they were more profitable. The emancipation acts provided, generally, for a gradual abolition, which permitted the owners to dispose of their slaves. The theory came up in a different form at the time when the prohibition of slavery in the territories became an issue. The Southern leaders then argued that the extension of slavery into the new regions was necessary to diminish the evil of it in the old slave districts. When the system began to die out, the enormous amount of capital invested in slaves would be a dead loss to the last owners who could not dispose of them to the planters in the newer regions. While there was some truth in the theory that slavery would gradually have become extinct for economic reasons, yet its disappearance from the Middle States should not mislead us. It was never profitable in that region, while it was decidedly so in the swampy rice and indigo lands of the South. There is every reason to believe that it would have maintained itself there for a long time to come.

The introduction of cotton into the middle and up country inaugurated a complete industrial, political, and social transformation of those sections. Its effect can be seen most strikingly in the decline of the former products.

The indigo industry disappeared almost as suddenly as it had arisen. During the Revolution the English market was lost to the East Indies and was never recovered again. The English bounties ceased to be paid when the war began, and

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without this artificial advantage the South Carolina planters could not compete with the planters in the Indies. Cotton afforded an outlet for the labor and capital invested in the declining industry.

The decline in the cereals was more directly traceable to the rise of the cotton industry. The flour mills, established in the up country after 1760, held their own in Laurens, Greenville, and other extreme western districts. About that time cotton was taking up the attention of the people to such an extent that little wheat was raised, and the mills fell into decay. The cereals declined steadily until 1850, when the low price of cotton caused a temporary revival, but it was of short duration. There was also a comparative decline in the corn crop. In 1792 there were 99,985 bushels exported. Soon after that it ceased to be exported, and it then became one of the most important articles of import. The annual yield did not decline, however. It increased gradually with the population, but it did not keep pace with it. In 1850 the crop was over 16,000,000 bushels. In 1860 it was reduced to 15,000,000 bushels, and in 1870 it had declined to 7,500,000.

With the appearance of cotton the system of diversified industries in the uplands gave way to the plantation system. The tendency was to concentrate more and more on cotton planting. As transportation facilities increased the cotton area was extended farther and farther into the uplands. The lack of cheap transportation was the one great obstacle that this section had to contend with. The planters in the middle country were generally located near the navigable streams. The statement was made that no planter, in 1794, in this region, was so far away from a stream that he could not load his cotton in the morning and at sunset unload it on board a boat that carried it to market.[1] The middle districts were said to "stand on navigable waters, so linked and intertwined with the commercial world that they may, with propriety, be called commercial districts." This shows how dependent the planting interests were on cheap navigation and how intimately planting was linked with foreign commerce. The remoter farms in the middle country and all those in the entire upper country were thought to be destined to depend on home-

[1] Ford, The Constitutionalist, etc.

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made goods. There the plantation system could not thrive unless cheap navigation could be provided. Governor Drayton, in his message to the legislature in 1800, said that much might be done to relieve the local inconveniences under which many citizens then labored. Various parts of the State were so far from a market and the expense of carriage thereto was so great as to discourage the efforts of a well-meant industry. Hence many farmers in those situations raised little more than the necessaries for their own consumption. They had not even an inducement to give their lands that attention which otherwise they would be invited to do. As opportunities permitted, they ought to open the inland navigation and from the very mountains send down the products of that State.[1]

From then on a great deal was done to improve navigation on the inland waters. Obstructions in the rivers were removed, canals were dug to avoid dangerous places in the rivers, and one was dug to connect the Santee with Charleston to avoid the ocean trip. The introduction in the thirties of the railroad tended still more to extend the plantation area and to further concentration in cotton. At length the South became industrially as dependent upon the North as she ever had been as a colony upon Great Britain. This was very clearly recognized at the time of the agitation against the tariff in the period from 1824 to 1832. Among the various schemes proposed for defeating the tariff was a general boycott against goods brought in from the States that had favored the act of 1828. There was a good deal of feeling against Tennessee and Kentucky in particular, for they had favored the tariff on hemp, which was then largely used in the manufacture of cheap bagging needed in covering the cotton bales for shipment. A great deal of ingenuity was used to devise some substitute. These States also furnished many horses and mules, bacon, beef, and other food stuffs to the Carolina planters. After the passage of the act of 1828 the newspapers gave numerous accounts of instances where the people refused to buy from the traders who had come across the mountains with the usual Tennessee and Kentucky products.[2]

[1] The Times, Charleston, December 3, 1800.
[2] Niles, Weekly Register, Vol. XXXV, pp. 82, 131.

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Another plan was to go into manufacturing and defeat the Yankees at their own game. There was much enthusiasm aroused on the subject and many establishments were started. The movement soon died out, however. The factories did not begin to supply the demand, nor could they turn out as fine a grade of goods as the older plants of the North, which had an advantage in experience, skilled workmen, and larger capital.

The establishment of the plantation system implied a concentration of capital in agriculture. The landholdings in the uplands had been small. With the appearance of cotton there was a marked increase in the size of the holdings. In 1795 the per capita holdings in the up country were about 45 acres as against 125 acres in the low country. This means an average farm of about 225 acres for the uplands and a plantation of about 725 acres for the coast. The average for the State was then about 310 acres. In 1859 the average size of farms for the State was 541 acres. The increase was undoubtedly due to the concentration in the uplands. Since 1850 the size of farms has steadily decreased. In 1860 the average farm contained 488 acres; in 1890 it contained 115 acres.

In 1860 there were 402,406 slaves in South Carolina. These slaves were held by 26,701 owners, making an average of 15 per owner. In the low country the average was about 21 slaves to the master; in the up country about 11. The very large owners were all on the coast and in the central river districts. Georgetown led with a plantation of 1,000 slaves. There were seven plantations with 500 slaves located in the coast districts. There were 22 with 300 slaves, all of which excepting 5 were located in the coast districts. The 5 exceptions were in Fairfield, Sumter, and Richland, all central river districts.[1] Counting 5 to the family, and taking the entire white population as 291,300 in 1860, then there were 31,559 households that held no slaves as against 26,701 that did. The nonslaveholders were a poor class of people, a sort of proletariat. This class produced very little for the market. The cotton was largely raised on large plantations with slave labor. This industry enhanced the value of slaves enormously. At the close of the Revolution slaves were worth on an average

[1] Census of 1860 (Agriculture), p. 237.

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about[1] $200; in 1815, $250; in 1836, $600; in 1840, $500; in 1849, $500, $750, $1,000; in 1860, $1,400, $2,000.

Another thing of great interest in connection with this change in the industrial system is the redistribution of the population. The accompanying map makes this very clear. In 1790 the black belt—that is, the region where the negro population was equal to or greater than the white—was confined entirely to the coast districts. It covered all of this region excepting Horry, the extreme eastern district. This has a hard, sandy beach and comparatively little river swamp. Its population was sparse, and very few slaves were kept. It was essentially like one of the upland districts. Cattle raising and turpentine farming were among the chief pursuits. By 1800 there was evidence of a rapid increase in the black population of the central river districts. Each succeeding decade saw an extension of the black belt until 1860, when all but the extreme upper tier of districts were included. There was one striking exception—Lexington. This was the center of the German settlements. A portion of the district was sandy and poorly adapted to the planting of cotton, but that is not the whole of the explanation. The German farmers were very conservative. Robert Mills, writing in 1826, said that the population was largely German and that the property remained quite equally distributed. There was no tendency to sell and move to the West.[2] In connection with Richland he states that the Germans kept up the old system of working the land in common, and that they retained the convivial social customs of the villages in the fatherland. About that time a change was taking place, however. Cotton was attracting their attention and bringing in the plantation. It is more than likely that the traditions and customs of the German people in that district prevented it from being overrun by the cotton planters, who bought out the farmers in other places.

There was a curious constant ratio of the colored population to the white for regions raising certain crops. The ratio was highest in the rice, indigo, and sugar belt. There the slaves never formed less than 75 per cent of the total population and sometimes reached as high as 90 per cent. Next

[1] Olmstead, The Cotton Kingdom, Vol. II. p. 151.
[2] Mills, Statistics of South Carolina, p. 612.

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came the cotton and tobacco belts, which ranged from 50 to 70 per cent when the industries were well established. The ratio rarely exceeded 70 per cent. The regions of diversified crops ranged from 10 to 25 per cent and the frontier from 2 to 10 per cent. As the plantation system advanced into those regions there was a gradual advance decade by decade from between 2 and 10 per cent to between 10 and 25 per cent, then to between 25 and 40 per cent, and finally to between 50 and 75 per cent. This gradual advance of the slave population into the new country was a striking feature of all the Southern settlements.

The movement of the white population to the West was one of the most striking of the social phenomena of that time.[1] It began in about 1800. In 1860 there were 470,257 individuals in the United States who were born in South Carolina. Of these only 276,868 were still in the State; 193,389 had been lost through emigration. There were 14,432 immigrants in the State from all quarters, leaving a total loss of white population amounting to 178,957. This loss was due to several distinguishable causes. One was the spread of the institution of slavery into the uplands. This affected the Quakers particularly.[2] Zachariah Dicks and others began preaching against slavery in South Carolina in 1800. The Quakers soon became convinced of the sinfulness of slavery, and many resolved to leave the slave States. They predicted that some dire calamity would befall the slave-holding communities. Between 1805 and 1819 about 1,200 members of the Quaker Church in South Carolina are known to have left for points in Ohio and Indiana. In some cases, as on the Bush River and in Marlboro district, entire communities departed, selling their lands at a great sacrifice. Their departure coincides with a rapid increase of the negro population in Marlboro.

Many more left because of the better opportunities for advancement in the newer southwestern States, Georgia, Alabama, Mississippi, and Louisiana. As the old cotton lands gave out there was a great inducement to abandon them and take up new lands out West. It was also observed that many white mechanics and farmers left for points in the Northwest,

[1] Census of 1860, South Carolina, p. 389.
[2] Weeks, Southern Quakers and Slavery, p. 266.

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where labor was respected and where the poor man was not constantly reminded of his poverty and lowly birth through the social ostracism of a planter aristocracy. All these causes working together had a tendency to drive the white population westward and to turn the tide of immigration also to the Northwest. The Southern States received very few European immigrants during this period. Those that did come were largely Hollanders and North Germans, who remained in Charleston and engaged in the retail business. The plantation system was too one sided and exclusive to offer employment to new immigrants. It afforded very little opportunities for a variety of skill. Governor Hammond estimated that 50,000 out of 300,000 whites in South Carolina where languishing for want of employment, because they could not compete with slave labor in agriculture.

We have other interesting testimony from contemporary Southerners. One writer in 1828 stated that, in his opinion, no State had better facilities for manufacturing than North Carolina, but that, like Virginia, she had long been losing the very cream of her population, the free white laboring class, by emigration, because of her mistaken policy in neglecting, if not refusing, to use her water power and her rich agricultural and mineral resources for the supply of her own wants. He held that the introduction of the factory would separate the free white laborers from the negroes and make factory labor honorable. Until that was done the poor but thinking whites would seek homes in places where they could earn an honest living by the sweat of their brows without its being imputed to them as a degradation by their wealthy neighbors, who, though possessed of property worth $50,000 or $100,000, did not feel humiliated in holding their own plows or driving their own wagons to market laden with the produce of their own fields.[1] The following year a writer in Charleston, Va. (W. Va.) estimated that not less 8,000 people had passed throughout the preceding year on their way from Virginia and the Carolinas to Indiana, Illinois, and Michigan.[2]

The following table showing the percentage of increase and

[1] Niles Weekly Register, Vol. XXXV, October 11, 1828.
[2] Ibid., Vol. XXXVIII, p. 386.

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decrease of population in South Carolina and in the United States, as a whole, is very interesting:[1]

Period.	White.	Colored.		Totals.	
		Free.	Slave.	So. Ca.	U. S.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
1790–1800	40	76.84	36.46	38.75	34.30
1800–1810	9.14	42.98	34.35	20.12	36.30
1810–1820	10.85	49.89	31.62	21.11	33.11
1820–1830	8.06	16.04	22.02	15	33.53
1830–1840	9.47	4.48	3.68	2.27	32.74
1840–1850	5.97	8.26	17.71	12.47	35.38
1850–1860	6.05	10.64	4.52	5.02	35.57
1860–1870	a 0.55	.87	.....	.2	22.22
1870–1880	35.01	45.33	.....	41	29.50
1880–1890	18.13	14	.....	15.63	24.86

a Decrease.

The decade from 1790 to 1800 was one of unprecedented growth, due to the settling up of the up country. The increase was greatest therefore among the whites, which exceeded that of the whole nation by 5.70 per cent. The succeeding decade shows an equally phenomenal falling off. The rate of increase was then 27.16 per cent less than for the whole nation. The increase in slaves was far in excess of the increase of the white population, in spite of the large deportations to the Southwest, until the decade following 1830. Then there came a sudden drop from which there was a very decided recovery in the succeeding decade, but the rate of increase fell back almost to the same point in 1850. The period of depression following 1830 was undoubtedly due to the nullification agitation, which caused many to leave the State. The decade before the war was also one of great uncertainty and unrest. The free colored increased rapidly from 1790 to 1820 on account of the freeing of the slaves by the Quakers. In 1790 there were 1,801 free negroes in the State. The number was increased to 3,185 in 1800; 4,554 in 1810; 6,826 in 1820; 7,921 in 1830; 8,276 in 1840; 8,960 in 1850, and 9,914 in 1860.

The system of exhausting the soil by continuous cropping and then allowing the land to run wild again for several years, as described in the discussion of the colonial industries, was still in vogue. So was the custom of securing a year's supplies in advance from the merchants by giving a lien on the

[1] South Carolina Resources and Population, etc., p. 385.

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growing cotton crop. The system was ruinous, as those who had an opportunity of comparing different sections of the country often pointed out. While it must be conceded that our tariff system was an injury to the cotton and rice planters, since it raised the price of clothing and bagging and other supplies and diverted trade out of its natural channels, still this only hastened the economic decline of the South. Ruin was bound to follow such a system of industry. The income from the land was largely spent abroad. Very little of it was spent on permanent improvements at home. There was nothing to promote the building of cities. Tourists reported having traveled by steamboat on Southern rivers for a whole day at a time without passing even a small village.[1] There were many landing places were the planters shipped their cotton and received their goods, but they dealt with the agents of Northern or of foreign houses, whose warehouses supplied them with what was wanted. This did away with local stores.

Dr. Cloud, the editor of the Cotton Plant (Alabama), estimated that less than one-fourth of the value of the annual cotton crop was spent in the Southern States. The planters' families toured the North and Europe frequently. One estimate made in 1845 placed the amount annually spent by the tourists in the North at no less than $12,000,000.[2]

South Carolina paid the stock raisers of Tennessee, Kentucky, and Ohio large sums annually for mules, horses, cattle, and hogs. It received flour, vegetables, dairy products, etc., from the North, besides most of its manufactured goods.

William Gregg, on his return from a visit to the North in 1845, wrote an excellent criticism of the industrial system of the State. The following extracts contain the substance of his contention:

> When I saw bags of our cotton arrive in those mountain districts, which had been packed in the interior of South Carolina and wagoned over miserably bad roads (in some instances over 100 miles), to Hamburg or Columbia, thence transported 136 miles by railroad to Charleston, where it is sold after being submitted to the charges of drayage, wharfage, commissions, and perhaps storage; then reshipped to New York to undergo similar charges, when it is purchased by one of those manufacturers and again reshipped to Hartford; and from the last-named place, making a dangerous and difficult passage up the Connecticut River, is landed and

[1] Olmstead, The Cotton Kingdom, Vol. II, p. 305.

[2] Gregg, Essays on Domestic Industry (Charleston, 1845).

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again hauled in wagons some 30 or 40 miles over mountainous roads; having now reached its final destination (at double its original cost), is manufactured into cloth; going over the same ground again it reaches New York, when it is reshipped to Charleston and finds its way back again into the interior of our State. * * * When I saw these things, knowing, as I do, the rich resources of South Carolina and the facility with which this cotton could be turned into cloth by the labor around us, which might be applied to it without detriment to our pursuits, could it be expected that I would write without using strong terms? * * * We there see the scenery which would take the place of our unpainted mansions, dilapidated cabins with mud chimneys and no windows, broken-down rail fences, fields overgrown with weeds and thrown away half exhausted, to be taken up by pine thickets, beef cattle unprotected from the inclemency of the winter, and so poor as barely to preserve life. We must never look for thrift while we permit our immense timber forests, granite quarries, and mines to lie idle and supply ourselves with hewn granite, pine boards, lath, shingles, etc., furnished by the lazy dogs of the North. Ah! worse than this, we see our back-country farmers, many of whom are too lazy to mend a broken gate or repair the fences to protect their crops from the neighboring stock, actually supplied with their ax, hoe, and broom handles, pitchforks, rakes, etc., by the indolent mountaineers of New Hampshire and Massachusetts. The time was when every old woman in the country had her ground from which the county gardens were supplied with seeds. We now find it more convenient to permit this duty to devolve on our careful friends, the Yankees. * * * It must be apparent to all men of discernment that whether a tariff for protection is continued or not, our only safety in this State lies in a change of our industrial pursuits. * * * He who has possessed himself of the notion that we have the industry and are wronged out of our hard earnings by a lazy set of scheming Yankees, to get rid of this notion needs only seat himself on the Charleston wharves for a few days and behold ship after ship arrive laden down with the various articles produced by Yankee industry. Let him behold these vessels discharging their cargoes and count the cost to South Carolina. From the month of September till May our wharves are crowded, not only with the articles manufactured by the handicraftsmen of the North, but with vast quantities of dairy articles and all kinds of culinary vegetables, which are far better adapted to the soil of South Carolina than to those places whence they are grown.

This is confessedly a strong statement of the case. We must therefore be somewhat guarded in drawing conclusions. For instance, it would not be correct to infer that no planter raised his supplies of food and fodder. There were model plantations where a great variety of things was raised. The plantation of Governor McDuffy, of South Carolina, was one of this kind. In 1821 it contained 300 acres; in 1848 it contained 5,000 acres. In 1848 he had 750 acres in cotton, 325 in corn, 100 in wheat, 300 in oats, 10 in peas, potatoes, etc. He

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had 175 slaves, of which 102 were field hands. While there were some plantations of this sort in the State, taking the State as a whole it was true that there was a great lack of balance in its productions. The State certainly has unexcelled advantages in the production of vegetables, fruits, and dairy products. It has an abundance of water power and an excellent climate in the up country, which gives it great natural advantages in manufacturing. All these advantages are now being rapidly developed, and garden truck and cotton fabrics which used to be shipped in at a great disadvantage are now produced at home. The same class of labor is utilized that was available two generations ago—the young men from the white families owning little property. As predicted, it has resulted in a partial separation of the employments for white men from those for negroes. By keeping negro labor out of the cotton factories it has given factory labor an additional respectability, which tends to attract a class of people that formerly would have preferred to eke out a bare subsistence in planting on worn-out estates.

There seems to be no adequate explanation why this development of diversified industries did not take place before the war. It was partly due to a lack of enterprise on the part of the Southern people, but there is danger in making too much of this. What we call enterprise is a very recent thing. The colonial American was not distinguished for his industriousness. He was shiftless in much the same way that the Southerner was. The change came in with the recent industrial transformations. The intense rivalry and strife occasioned by these industrial changes has had a powerfully stimulating effect on the people. It has completely changed the social environment. No one can doubt that the influence of the modern industrial arrangements is very different from that of an agricultural system of the old type. A very good illustration of the difference can be seen in those sections of the country where the raising of a single main crop, like wheat, is giving place to dairying, fruit growing, market gardening, and the like. Instead of selling their produce in the nearest market town at the price offered on the day they happen in with a load, the up-to-date farmers watch the market reports and keep thoroughly informed as to the best time for marketing and what price to ask. They are getting accustomed to

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the check system and are keeping their money on deposit at the bank in place of hiding it away in their homes. When buying machinery they rarely give orders at the advertised rate to the agents months before the article will be used, as was formerly the custom. They look for the best machine and get the best rates offered. In other words, the altered conditions are rapidly transforming our farmers into shrewd, alert men of business. It is not going too far to say that the introduction of diversified industry will have a similar effect on the agricultural population in the South. The proverbial shiftlessness of the Southerners, while partly due to climatic conditions, was not wholly or even largely so. It was due more to the absence of that social incentive which was brought in by the modern industrial system, with its keen personal rivalry and intense competition. The concentration of population in cities, the introduction of the railways, rapid transit, telegraph, telephone, and improved rapid-working machines in the factories and on the farms has exerted a wonderful quickening influence on the pulse of the community. The contrast between the slow-going, shiftless ways of the remote agricultural community and the rush and intensity of a modern industrial center shows this very markedly. The question, then, is not, why are the Southern people, who are still largely agricultural, shiftless and easy-going, but why was the South so late in establishing the new order of things? There certainly are extensive regions in the uplands of the South which have a delightful, stimulating climate and abundant natural resources. So that natural conditions alone do not account for it. The explanation lies in the fact that the exploitation of the soil through cotton planting afforded the easiest way of getting a living. When the institutions, industrial, social, and political, were once fully adjusted to that end they were a powerful conservative influence which strongly resisted the introduction of industrialism. Calhoun bitterly opposed to the very last the new industrial system. To him the Southern plantation system appeared to promote the best type of civilization. Holding this view he could not do otherwise than resist all changes which tended to establish the new order, for the new order meant the introduction of an entirely different type of civilization, which was necessarily antagonistic. The Southern system was in some respects like the

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slave economies of ancient times, but it was far less symmetrical and less balanced. This was due to the disturbing influence of the industrial North and of industrial Europe. Nearly all the wants of art, literature, education, travel, amusement, and a thousand and one things that a cultivated society needs were supplied by outsiders. This made the Southern society very one-sided and dependent.

Chapter III.—The Reform in the Apportionment of Representation.

In the preceding chapter we traced briefly the main industrial changes that took place in the State up to the civil war. We saw that cotton planting in the uplands caused the decline of the small shop and the farm and occasioned the appearance of the plantation system in that section. The planting interests, which formerly had been confined to the tide-water region, had spread into the interior until they formed the leading interests in all but the extreme upper districts. Keeping this in mind, we are in a position to appreciate the political readjustments that followed.

It will be necessary to go back a little to sketch briefly the initial steps by which the tide-water began to assimilate the stranger society that had sprung up on the vacant lands in the rear. It was done through the establishment of schools and churches. The planters feared the ignorance and the effect of a lack of religious instruction of the up country. They had reason to fear that some day these back-country men would get control of the State government and destroy their peculiar society by taxing away their property and by abolishing slavery, on which that society rested. The elegance, refinement, and wealth of the planter aristocracy aroused the jealousy of the farmers. It could not be otherwise. Two sections so entirely unlike in tradition, in culture, in interests, and, to some extent, in race and religion even, could not live very harmoniously together in a small State.

In the back country of South Carolina, as in all other frontier communities, it was difficult to maintain churches. Even among the scattered plantations of the tide-water the country

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churches were none too numerous. Debose tells us that, as late as 1786, ministers were not always close at hand in every neighborhood. In his boyhood he was baptized by a minister who happened along from a parish 50 miles distant, nor did he see another minister for many years. The church in St. Stephens Parish was not permanently opened, after its destruction during the Revolutionary war, until 1812.

Governor Bull, in his report for 1751, dwelt at length on the religious affairs of the colony. He explained that the parish had become the unit of local government. The majority of those professing the creed of the Church of England elected the parish rector; the voters of the parish elected the members of the general assembly; parish justices of the peace granted licenses to innkeepers; poor rates were assessed and collected by the church wardens, annually elected. This being the case, he urged that eighteen or twenty parishes be established in the back settlements. While all these people in the interior were constructively within parish limits, since the western bounds of the parishes had never been definitely fixed, still, as many lived 150 miles and more from the parish church, their settlements were regarded as being extra-parochial. Those living in the parishes enjoyed the advantages of church and school privileges furnished by the State. Each rector in Charleston received a salary of £200, a good parsonage, and an assistant with a salary of £200. In each country parish the rector usually had a parsonage, a glebe, and a salary of £110. The fees were small, but gifts were frequently large. However, out of twenty-four benefices, rarely more than fifteen or sixteen were filled at a time.

The dissenting churches were obliged to support themselves from pew rents and endowments. They were not allowed to incorporate under the law. About that time the graduates of the Northern colleges were pushing their way into the interior as missionaries. The Baptists and Methodists were particularly zealous in their missionary work on the frontier. The Scotch-Irish of course clung to the Presbyterian church, as did the French Huguenots and German Protestants to theirs. Nothing ever came of the governor's recommendations. The Revolutionary war of course swept away the established church and placed all protestant churches on the same footing. Then began the era of voluntary church work, which gave a

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new impetus to missionary efforts in the new settlements, since each church strove to outdo its rival.

The educational movement had a more distinct sectional and political significance. It was clearly a proselyting movement. The planters realized that it was dangerous to be joined with a community having a more numerous and faster increasing population whose interests were so radically different from theirs. The very existence of their institutions was threatened. The most natural recourse under the circumstances was to extend their influence by bringing about a greater like-mindedness through a common system of education before granting them any controlling influence in the legislature. The movement started with a few farseeing philanthropic men in Charleston who organized a number of societies for the establishment and support of colleges in the interior. The most important of these was Mount Zion Society, founded in 1777, for the purpose of maintaining a school 150 miles from the coast. The school was established in the district of Camden.[1] There were some 400 names on the list of members. It is an interesting fact that this was the first instance in which we find the English, Huguenot, and Scotch-Irish stocks coöperating, in which the low country joined hands with the up country in any important public concern. The preamble to the act of incorporation indicates very clearly the object of the founders:

> When we cast our eyes around and behold a rising generation, on account of there being no place of instruction near them where they can be properly educated, also when we behold the orphan left forlorn and the children of indigent parents growing up more like a race of savages than Christians, becoming thereby useless to their country, to society, and to themselves, we can not help being sensible of those tender feelings which the Divine Being hath impressed on our natures as a spur to prompt us to lend a helping hand to succor and assist the destitute. If men will look into their own bosoms and consider the generous seeds which are planted there, that might, if rightly cultivated, ennoble their lives and make their virtue venerable to futurity, surely they can not without tears reflect on the many fine geniuses in the remote part of the State who are entirely buried in oblivion through lack of education.
>
> Our country calls, nay, the voice of reason cries aloud to us, to promote knowledge as the firmest cement of a State, and conscience insists that it is our indispensable duty to instruct the ignorant in the principles of Christianity.

[1] Charleston Year Book for 1887, p. 330; Cooper, Statutes at Large of North Carolina, Vol. IV, p. 381; McCrady, Eminent and Representative Men of the Carolinas, Vol. I, p. 50.

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It was a generous philanthropic spirit that prompted these men of Charleston in this educational and missionary movement; but of course there was an undercurrent of self-interest about it all which, while it does not detract one whit from the noble impulse that prompted these men, makes their action more intelligible to us. Back of all sentimental considerations was the instinct of self-preservation. It was manifest in all the political discussions of this period as a quiet though unmistakable motive. The writings of this period contrast very favorably in their dignified, healthy tone and in the sanity of their reasoning when compared with the hysterical vaporings of the later period. By that time the hopelessness of despair had settled upon the South. They knew that their civilization was doomed. In this miniature sectional struggle in their own State the planters were hopeful of victory. All the signs of the times were favorable immediately after 1790. The profit in cotton planting prevented the institution of slavery and all that rested upon it from being confined and ultimately smothered in the narrow strip of lowlands along the coast.

In 1784 the society issued an address calling for funds to support the school at Winnsborough which had been destroyed during the Revolutionary war.[1] In this address the society stated that while the contributions of South Carolina for the support of schools in other States had been liberal even to excess, the people had been shamefully neglectful of their own. If ever a South Carolinian had reason to blush for his State it must be when he considered that it had been settled upward of a century without having produced even one academy of note. The professional men were either foreigners or men trained abroad, a state of affairs which the society claimed was due to the general neglect of popular education at home. That is not saying that there was a lack of educated men in South Carolina. On the contrary, the planter aristocracy that centered at Charleston was perhaps the most cultured and refined bit of America that there was unless it was outstripped by that centering in Richmond.

The best fruit of this movement was the establishment of South Carolina College in 1801. Lieutenant-Governor Drayton in his message in 1800 made a strong plea for the establishment of public seminaries for the education of the poorer

[1] Gazette of South Carolina, August 19, 1784.

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classes. His argument, though now a commonplace with all Americans, was then rather new. It was his idea that the education of the masses would give us a distinct national character and differentiate us from all foreigners. It would fuse all the heterogeneous elements of our population into one homogeneous nationality. On this the stability of our government must rest. It would be made strong through the intelligence and patriotism of the people trained in schools supported by the public.[1]

The following year, as governor, he again brought the matter before the legislature. He stated that there were five colleges in the State, one each at Charleston, Beaufort, Cambridge, Winnsborough, and Alexandria, the last three being in the upper part of the State. This might give one the impression that educational facilities were abundant, but on further inquiry it would appear that Cambridge and Winnsborough colleges were discontinued soon after their erection for lack of funds. The school at Winnsborough had been revived lately through the efforts of the Mount Zion Society, but it was nothing more than an elementary school, and never could amount to much from the support it was then getting. The colleges at Beaufort and Alexandria were hardly known except in the law of incorporation. They were hardly more than reputable grammar schools. The governor thought that this lack of good facilities for popular education was very much to be regretted, but in his opinion no decided improvement could be expected so long as the educational forces of the State were divided among so many colleges. So long as their resources were not concentrated in one institution, the people would be compelled to send their sons abroad to be educated, to the great detriment of South Carolina. He therefore urged the legislature again to take up the matter seriously and make provision for a college at Columbia or at some other healthful place in the State, to be supported out of the public funds. This would give the institution sufficient resources to procure able professors, establish a good library, and equip its laboratories. He emphasized especially the unifying force such a college would become in the State. It would become

[1] The establishment of public schools had been frequently urged by the governors before 1800, especially by Vanderhorst and Pinckney in 1795, 1796, and 1798. See the Columbian Herald, December 4, 1795; City Gazette, December 8, 1796, December 12, 1797, December 6, 1798.

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the common meeting place of the young men from whose ranks the future leaders would be selected. The friendships then formed, the common associations and traditions of college days, and the common point of view there impressed upon them would all tend to bring the sections into closer harmony, something that could not come through denominational colleges supported by sections and attended by the young men from one section alone.

The legislature took the suggestion, and in 1801 an act was finally passed establishing a college at Columbia. The enacting clause clearly indicates that one of the main purposes of the school was the unification of the sections. It was a low-country measure, and it was not passed without some opposition from the up country, although the benefits of the institution redounded mainly to that section. Its location, and the fact that the tide-water paid the greater share of the taxes, was a distinct advantage to the up country, yet at one time two petitions were sent in from one of the upper districts asking for the repeal of the act.[1] The credit of originating the idea belongs to Governor Drayton, but Henry William Desaussure and Paul Hamilton put the college on its feet. Once established its success was assured. Here the young men of the various stocks—English, Scotch-Irish, Welsh, German, and Swiss—were molded into the typical Carolina gentlemen. The college buildings being within a stone's throw of the statehouse, the young college men had a splendid opportunity of observing the practical administration of the affairs of the State. The annual session of the legislature was a great event to which they always looked with eager interest. That opportunity was an inspiration in itself. The stirring debates and the sharp personal contests on the floor of the senate and the house gave them a deep personal interest in political questions. The college, through its alumni and faculty, stamped its impress on the political thought of the State. Dr. Lieber and Dr. Cooper exerted an especially strong influence. It would not be too much to say that Dr. Cooper inspired the popular movement in opposition to the tariff which culminated in the ordinance of nullification. The college became in every way closely identified with the life of the State. Young men of ability and elo-

[1] Meriwether, Education in South Carolina.

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quence who had distinguished themselves at college found the avenues of political life open to them, and not infrequently were shortly returned to the legislature by their home districts. Even in their social life the college boys came into prominence in the State. The commencement ball, the great social event of the year, brought friends and alumni together from all sections. It is interesting to read now in the Charleston papers the announcement each winter that the legislature had voted to allow the legislative halls to be used for the annual ball. Sometimes the vote was very close. For instance, on November 30, 1812, the first ballot in the senate stood 21 to 21.[1] On the next ballot the result was 23 for and 19 against. There was a full attendance, only three senators being absent. The vote is curious, in that it indicates that the up-country senators generally voted against allowing the boys the use of the senate chamber for the ball, while the low-country senators generally voted for it. It probably indicates the difference in the attitude toward dancing taken by the Episcopal as compared with the other churches. The Episcopal Church being very strong in the low country, we should expect the members from that section in the legislature to be liberal on such questions.

All these associations that the young men enjoyed during their early life at Columbia had a tendency to foster a tender and affectionate pride for all that was South Carolinian. The sections gradually forgot their bitterness as they came to have more and more in common. The planters had gained their object. They had given the up country scholarly leaders, bound to their own by many ties of early associations and common schooling. After that they had less to fear from the system of free labor and extreme democratic ideas in politics in the up country.

We see here in miniature a characteristic feature of our national development. It was a sort of missionary enterprise to direct the development of and finally to assimilate the frontier. It was, indeed, a potent factor in the development of a nation on our vast domain. Joined with ties of relationship and of economic interests, it formed a national consciousness strong enough to prevent the newer western communities from setting up for themselves—a danger which the early

[1] The Times, Charleston, December 10, 1812.

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fathers of the Republic constantly dreaded. The two typical sections, the older East and the newer West, were always more or less antagonistic, because they were so different. It was the staid old coast that succeeded in establishing the Constitution. Once adopted, it was the back country that clamored for its strict interpretation. The triumph of Jefferson and the Republican party meant the triumph of this element in the nation. Their coming to the front was a rude shock to the more polished element that had been in control under Washington and Adams. The result was at once manifested in the extension of suffrage and in the democratic tone of social life. It was the ideals of a plain agricultural people from the socially undifferentiated section that gave character to our national life then. Later, when Jackson and his hosts stormed the citadel of the Adams men, it meant once more the triumph of the back country, then the new West. The granger movement and the more recent populistic agitation are but repetitions of the former popular uprisings, taking their origin in the undifferentiated West and South. There will always be a sectional tinge of this sort in our politics. It was so in ancient Attica, with its sectional parties of the shore, the plain, and the mountain. It must be so as long as the population and the environment of the nation are not perfectly homogeneous.

It was a part of the natural course of events that the tidewater section should make an effort to control and assimilate the back country to itself before giving it a decisive voice in the government. To have done otherwise would have been suicidal. We have pointed out that the most powerful unifying force was economic. If slavery had not become profitable in the uplands, the sections could not have become reconciled (though socially the way had been prepared) no more than the North and the South could have been. In fact, we see here a sectional conflict on a small scale, which was quite like the one which later rent the nation. The coast section did everything to keep control of the government without causing open rebellion. They yielded and compromised time after time, until finally they had practically a dual system of administration and two capitals. But they never released their grip on the legislature, which was the source of all political power, until the economic interests of both sections had become one. This

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will be shown in the discussion of the political aspects of the question now to follow.

When the facts and figures collected by the Government in the first census became generally known, the agitation for a reform in the apportionment of representation began anew. A reform association was organized with a committee in each district in the State. Robert Goodloe Harper, a man of ability and in good standing with the conservative planter element, who had seen service in Congress, was the leader in the movement. The association published an address setting forth the facts on their side of the case and appealing for support. It was followed by a series of letters signed by "Appius," in which the theory of democratic government and the principle of representation were fully elaborated.[1] The reformers based their case on abstract principles of political justice, in all probability drawn from the eighteenth-century philosophers and the writings of the revolutionary period.

They found that the apportionment of representation in South Carolina was not based on any principle. It was entirely arbitrary and unjust. It was a perversion of democratic principles in that it made one-fifth of the population the rulers of the other four-fifths. The result was that South Carolina had an aristocratic government instead of a democratic one. According to the census of 1790, the three lower districts had a white population of 28,644, the upper districts one of 111,534. Yet the former elected 20 senators and 70 members of the assembly, while the latter was allowed only 17 senators and 54 assemblymen. Charleston district, with a white population of 15,452—less than one-ninth of the population of the State—elected more than one-third of the entire legislature. St. Stephen's parish, containing 226 inhabitants of all ages and sexes, sent as many to the legislature as Edgefield district, which could muster 2,000 men for the defense of the State. Other comparisons could be given showing even worse discrepancies.[2]

The reform committee accepted the social-compact theory, claiming that society originated in a compact in which each individual agreed to give up certain rights and be bound by

[1] An Address to the People of South Carolina by the General Committee of the Representative Reform Association. (Charleston, 1794, Political Miscellany, Vol. II, 3d series, of the Charleston Library.)

[2] See the accompanying chart.

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the will of the majority. They cited as illustrations the ancient Greek and Roman city states, where, they claimed, this was the practice. Later, as political institutions developed, the principle of representation was hit upon. Then, instead of every member of the community taking part in the administration of the State, certain citizens were delegated to perform that service. Since the original compact guaranteed equal rights to each member of society, it followed that the apportionment must be equal and in proportion to population. They acknowledged openly that no abuses had appeared, no frauds had been committed, but they held that, although the aristocracy had been mild and generous in the past, there was no guaranty of its always remaining so. The reform movement was to be construed as a preventive measure rather than as a corrective one.

As to the question of basing representation partly on property, they contended that society existed long before private property. Possessions were at the outset all public property, and it was only by slow degrees that public property was turned into private property. One individual by his own efforts could do no more than supply his own wants. When a number associated together for mutual protection all were equal and continued so for some time, until some had accumulated more than others. Then the division of the property took place, and private property was substituted for public property. When that change took place, however, all retained equal political rights. For example, in Athens, Themistocles, Cimon, Pericles had no more votes in the ecclesia than the humblest mechanic or laborer. They held that in all societies of any degree of advancement there are a few very rich, a considerable number of moderate wealth, and many are comparatively poor. Hence, if property be given a direct representation the few must get control of the many. Some claimed that property must be protected against the jealousy and cupidity of the poor, who are always the most numerous. That amounted to saying that every government ought to be aristocratic. Furthermore, wealth always gives influence enough to serve for its own protection. For a rich citizen, without having more votes in choosing representatives than his poorer neighbor, will speedily obtain ten times as much influence in the government. Instead of giving him more

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votes he ought to be given fewer, in order to balance and check that tendency to inequality which exists in every society and is its most dangerous ingredient. One man can not be prevented from acquiring more wealth than another, nor can we prevent this wealth from uniting itself with talent and gaining influence; but this tendency should be counteracted as much as possible instead of promoted. If wealth were stripped of as many advantages as it was possible to do, it would still have enough and more. But if in addition to its natural and inevitable influence it were given direct representation in the government, the tendency of society to disintegrate because of the unequal distribution of wealth would directly promote it. They insisted that the influence of the wealthy, the fact that most of the middle class held some property, combined with the property interests of the representatives themselves, would be a sufficient protection to property at all times. At any rate, if the property was to be represented it was sufficient to have it represented in one branch of the legislature—the senate, for example. The lower house should be exclusively the people's. The argument that because the rich paid more toward the support of the government and therefore ought to have a greater power in its administration, they said, was a false doctrine. For, while the rich made greater contributions, they also enjoyed more advantages. What would a rich man's wealth benefit him if the government did not protect him in its possession and enjoyment? They refuted the statement that the property of the State was largely located in the low country by claiming that the census figures were misleading. In many cases men of wealth owning property in the up country lived in Charleston, and so their property was credited to the low country. The most extreme advocates of aristocracy and the South Carolina system did not advocate that government should rest entirely on wealth. They argued for the apportionment of representation on the combined basis of population and property. Even if this system were adopted they claimed that the up country would have five representatives to three of the low country.

The practice in South Carolina was sometimes upheld by citing that of North Carolina, where all the counties, large or small, had the same representation. But the case was different

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in that State, because there the small and large counties were scattered over the State, and not bunched in one section as in South Carolina. The problem in the neighboring State was therefore an entirely different one. It was a case of unequal representation, but not one of sectional representation. It was this distinctly marked sectionalism that alarmed the reform party. As they pointed out, the up country and the low country differed very widely. While in the former property was very equally distributed, in the latter there were some that were very rich and others that were very poor. Furthermore, because the cultivated lands in the tide-water section were scattered fertile areas, and, as a rule, situated in unhealthy localities, they could not be worked to advantage without the aid of negroes. This tended to increase the inequality in the distribution of wealth, because there was no opening for the man without a large estate and capital to stock it with slaves. They feared that this inequality of wealth would lead to inequality of condition, which is the parent and nurse of aristocracy; for superior wealth is not only apt to beget and cherish a love of power and privilege, but has a strong tendency to bestow them. Hence there was danger of the aristocratic spirit arising in the low country, if it had not already appeared. This was a powerful reason why that section should not be given an undue influence in the government, for if an aristocracy once gains a foothold it never ceases to make new encroachments till it has totally rooted out the principle of liberty, of which it is the natural and implacable enemy. Then, too, the sections had opposite habits and views in nearly every particular. One was accustomed to luxury, the other to frugality. One favored numerous offices, large salaries, and great expenditures by the government. The other, from the moderate fortunes of the people and their simple ways of life, preferred low taxes, small salaries, and economy in the public expenditures. One imported almost every article of consumption and paid for it in produce. The other, far removed from navigable waters, must supply its own wants. Consequently one favored commerce, the other manufactures. One needed slaves, the other was better off without them.

It was held that the inequality in the political power of the two sections was enhanced by the inequality in the distribu-

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tion of wealth in the low country. This was made clear by the story told about one of the tyrants of Athens, who, as the legend runs, said that his little son ruled all Greece; for, said he, Athens rules Greece, I rule Athens, my wife rules me, and my young son rules my wife. In like manner a few hundred persons on the coast governed South Carolina—for they governed the low country and the low country governed the State. This feature about the inequality in the representation alarmed the reformers most of all. They feared that the divergence between the sections would increase rather than diminish on account of the climate of the low country necessitating the use of slaves, which would always keep the white population sparse. Besides, the standard of living was so high that it would tend to check the increase of population in the tide-water section. This would tend to fasten an aristocracy on the State. It would put the control of the government in the hands of a small body of the population whose habits of life, situation, and political views must forever remain different from the mass of the population in the State. Some of the results to be expected from such a situation had already been foreshadowed in the controversy over the courts and the location of the capital. The up country succeeded in getting its demands recognized, because a portion of the low country members were generous enough not to use the power in their hands against them. But that made the situation all the more galling, for it appeared as if the up country held its rights by courtesy. They were completely in the hands of a handful of planters on the coast who were their masters. This being the case, there was a guaranty that the State would be well governed only so long as its interests coincided with that of the coast planters. For example, it was not to the interest of Charleston to have the capital removed, and yet it was plain that it ought to have been in a healthier place and more centrally located. Sanitation was not what it is now and distance was more of an obstacle a hundred years ago. But the low country insisted on its selfish rights in the matter until it was obliged to yield, and then it forced an expensive and awkward compromise on the up country. Practically a double administrative system was created and two capitals were established. Furthermore, the low country possessed an unlimited power of oppressing the up country through

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taxation. It could take the tax off the negroes and put a poll tax in its place, which would, of course, fall very heavily on the populous and relatively poor up country, or it could assess the tax on land according to area instead of value, which would make the burden fall very lightly on the extremely fertile and well-located lands of the coast.

This was, in many respects, a strong presentation of the case. Its chief weakness lay in the fact that it was based so largely on theory. The social contract and the theory of natural rights have since been demolished. The historical evolution of democracy in Athens was hardly that traced in the letters of Appius. The writer was evidently not aware of the fact that the democracy of Athens was the outgrowth of an earlier aristocratic society, which, in its turn, had developed from a primitive tribal one. So far as we know, the early Athenian democracy descended from the conquering tribes that subjugated the natives of Attica. The tribal system being based on kinship, it followed that only the conquerors and their descendants were a part of the society and had political rights. The conquered were outside of the system and subject to the nobility. With the progress of time and the flocking in of traders and other strangers, the institutions based on kinship necessarily broke down. Then followed a long and severe struggle to gain their political rights. The development at Rome was very similar. The struggle of the plebeians was merely the attempt of the outsider to gain equal political rights with the patricians and to correct the abuses that had grown up under the old system.

In the main the arguments drawn from these shaky premises, in support of the theory of apportioning representation according to population, have since gained wide acceptance on quite different grounds. The other idea that wealth needs no special safeguards has very recently appeared in a new garb, "the dollar and the man." The extreme democracy holds that we have safeguarded the dollar and lost sight of the man; that the tendency of legislation has been to set wealth above the individual man, to give it greater power in society than individuals have.

The reply to the address of the committee and to the accompanying letters was very ably written and is full of interesting facts, made all the more so by their local and contemporary

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coloring. The opposition was led mainly by Timothy Ford and Henry William Desaussure. Their arguments were based quite largely on the actual facts of the case as it existed in South Carolina.

Ford began his article with an outline of the social compact theory of society and agreed that it was the customary explanation of the theoretical writers on government. Then he proceeded to criticise their views. In the first place, they assumed the existence of a "state of nature" in which man was placed by his Maker. Such a thing never existed. Man, from the very earliest time, was associated by common ties; he knew his needs and his powers, and learned of the laws of nature by experience. He understood that what he acquired by his own industry was his own. He knew nothing about a state of nature; that was a mere fairy tale to him. When he made his powers and duties the guide of his conduct he based his actions on his senses. The moral principle, aided by experience, was the directing force. The right of property, as well as those of life and liberty, were the results of a development—in a sense the gift of nature. The purpose of civil society was to guard these by stronger sanctions than the moral sense, which was too weak and unequal among men for that purpose.

Rousseau, in his treatise on the social contract, stated that when a compact is entered into to start a society, the vested interests and acquired rights must be taken into account. From this Ford argued that, while the natural rights of man ought to be recognized in all constitutions, the real situation of each people ought to govern their own institutions and make them peculiar to themselves. While the natural rights could not vary, the interests of man are subject to all the vicissitudes to which the state of society is itself liable. When there is but one kind of interest among the people who are about to associate, it is as easy to adjust their constitution to their acquired interest as to their natural rights. If they were all shepherds, whatever guaranteed the interests of one would serve for all. If they were all huntsmen or husbandmen, the rule would still be simple and plain. But if husbandmen should come to associate with shepherds the latter would necessarily stipulate that the pasture should not all be turned up by the plow, and if huntsmen should join both, the one would stipulate that they should not frighten away or scatter

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the flocks; the other that they should not trample the fields of grain. Then, it is also proper to distinguish the rights of the prior occupants from those of all subsequent immigrants. He held that it can never be contended by any law, human or divine, that a body of husbandmen have a right to enter upon the peaceful society of shepherds and prescribe their own terms of association. All that the newcomers can ask of the prior occupant is a guaranty of their natural rights and acquired interests. If their acquired interests are such that they are incompatible with those of the prior occupants, they ought to seek some other place. An intrusion like this into the domains of a settled people can claim no more pretense of right than Alexander, when he passed the Granicus, or Cæsar when he crossed the Rubicon. A wandering horde has just as much right to settle down amongst a people and be their lawgivers as they have, after having formed an association based upon mutual advantages, to change them at pleasure as their varying interests, their passions, or their caprices may dictate. The majority has no right to alter the terms of the compact, else at any moment the stronger party might revolutionize things. Cataline could not be called a conspirator, for the only test of right conduct would be success.

In this way he disposed of the theoretical question. Then he turned to South Carolina and observed that in no country under heaven could the case be better exemplified than in that State. Its interests were planting and commerce, farming and manufacturing by sections. These deserved equal consideration in framing a constitution. Neither should hold its rights by courtesy of the other. Such a relationship could flow only from conquest. It could not be the result of mutual consent. Then he pointed out the division caused by the existence of slavery. There were those who pursued and must pursue their occupation with the aid of slaves, and those who pursue or might pursue their occupations by their own labor. This latter division of interests he considered the most important. It caused a well-marked cleavage between the sections. The fact that some in the up country possessed slaves did not alter the situation, since only those whose condition rested wholly on the possession of slaves could be counted as having distinctly slave interests. Nature had decreed that the race of white people should not labor in the fertile swamps of

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the Carolinas, but she had not interdicted their laboring in the up country, especially above the falls in the rivers. The slave was essential to the one; he was but convenient to the other. To him it seemed that the purpose of the reformers was so to change the representation as to put the wealth of the low country and all its interests absolutely in the control of the up country. To the low country this involved the question of "to be or not to be." It meant that commerce and slavery were to be sacrificed by the most numerous, whose manufacturing interests were repugnant to the first and who would be better off without the second. As prior occupants they could not be called on to make such a concession. They were willing to recognize their title to all the rights of freemen. That is, they were willing to guarantee them protection to life and property as they had done in the past. They were even willing to do this largely at their own expense as heretofore. But they must continue to insist that their very existence as a people depended upon the perpetuation of certain fundamental institutions, and they could not submit to any people on earth the power of abrogating or altering them. They had embarked all that was dear to them in that system which their forefathers had inaugurated, and that they must cease to be altogether the moment they ceased to be just what they were. It seemed to Ford that their system would in no way interfere with the up country. On the contrary, their wealth and power would always be a mutual advantage, which they were willing to share. If they had known that the immigrants, whom they protected from the savages and supplied with necessaries in the early days would one day, because of their numbers, demand control of their property and their interests, they would have allied themselves with the Indians to keep out all newcomers. He objected to the meaning given to the word equality, which was then on everybody's lips. It was extended to apply to interests and conditions in a way which was not intended by nature. Individuals were very unequal in many respects. It was just to give them all equal political rights, but the Government could go no further. So far as wealth was concerned, it could protect itself where it was equally distributed geographically, but in South Carolina that was not the case. Therefore it needed special protection, and this could be intrusted to the

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low country where most of it was located, and, furthermore, because its personal interests were common to the entire State. On the other hand, the up country could make an attack on the wealthy without injury to its own citizens. It was especially fitting that personal liberty should be in the keeping of the planters, because their sense of freedom was made more vivid by the contrast that slavery constantly kept before their eyes. He closed with an interesting appeal to the middle districts, whose interests, as pointed out in a preceding chapter, were becoming identical with those of the tide-water.

Henry William Desaussure claimed to be a nonpartisan on the question at issue, but his article was largely a refutation of the arguments of the reform association and the letters of Appius.[1] To the dogma that equality is the natural condition of man, he replied that the condition in South Carolina was such that if the theory were applied it would result in the freeing of the unfortunate slaves, who formed two-fifths of the population of the State and were the only cultivators of the soil in the low country. This the reformers certainly would not like to see brought about, because it would be the ruin of the low country. It would also cause a great loss to the up country, where one-sixth of the slaves were owned. The recent insurrections in the West Indies he thought to be a warning to them not to force a sudden emancipation.

He justified the inequality in the representation complained of in South Carolina by citing the experience of France and some of the other American commonwealths. France, an extreme democracy, assigned representation according to population, wealth, and area of the district. In North Carolina and Virginia, where liberty was very highly prized, particularly in the latter, the counties were all equally represented irrespective of their population. Brunswick County, in North Carolina, with a population of 1,557, had the same representation as Rowan, whose population was 13,998. This State then followed the same custom as South Carolina, but here this rule gave the advantage to the sickly, sparsely populated, and poverty-stricken counties on the coast, that contributed very little to the revenues of the State, while in South Carolina

[1] "Appius." Letters on the Reform Movement. Charleston Library. Political Miscellany. Vol. XI, No. 3.

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the possession of wealth and the consequent large contributions to the treasury were urged as a justification for a larger representation. The problem in Virginia, according to Jefferson's notes, was like that in South Carolina, because of its sectional character. New Jersey and Maryland furnished equally good examples. Cape May, paying an annual tax of £209 and having a very much smaller population than Hunterdon, which paid an annual tax of £998, nevertheless had the same representation. He pointed out that not one of the Southern States had adopted the principle of apportioning representation according to population. A due sense of the peculiar circumstances of the country prevents them from resorting to that rule. In the framing of the Federal Constitution the question was fully discussed. It was seen at once that if representation in Congress were assigned in proportion to population that the interests of the South would fall entirely into the control of the numbers in the New England and the Middle States, and their weight in the national council would be small in proportion to their contributions to the Treasury. After some deliberation the good sense of the Northern delegates in the convention enabled them to recognize the justice of making an allowance, and the three-fifths principle was adopted. Under the circumstances it behooved the people of the State not to call in question the justice of the concession by which the South secured twelve more representatives in Congress than her population would have entitled her to. For the differences between the up country and the low country were much the same as those that existed between the North and the South. The low country had five-sixths of the slaves, two-ninths of the white population, and paid about seven-ninths of the taxes. The taxes for 1789, 1790, and 1791 amounted to £28,081 for the low country and £8,390 for the up country.[1]

He intimated that the differences between the sections had come to such a pass that it had been openly asserted that if the control of the State should be surrendered to the up country the following winter, the low country, knowing that such action was without precedent anywhere and realizing that no wrongs whatever had been committed by them, would feel

[1] Desaussure, Letters on the Question of Altering Representation, Charleston, 1795, pp. 32-33. (Phocion.)

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themselves so much aggrieved that they would seek a separation. This would be most unfortunate, because each would then have to bear the burden of supporting a separate government, and in time might become bitter enemies. He warned the reformers against making the mistake of the leaders in the French Revolution by pursuing the shadow of freedom for its substance. Their scheme was altogether too ideal and too theoretical to suit the many-sided and contradictory elements in society. It was unwise, he thought, to discuss a question which everybody knew would produce great excitement and dissension and might result in bloody civil war, especially at a time when the nation was threatened with a war with England and France.

It would certainly seem that if the wealth and the institutions of the low country needed protection they could hardly rely on the influence that prominent planters might exert over the up-country members. For that could not have counted for much when such feeling existed. It is very singular that the system of taxation, as it then existed, was remarkably liberal to the up country. The tax on slaves fell very heavily on the low country—so with the land tax, because the low lands were much more valuable on account of their location near navigable water. The tax on carriages and on luxuries hardly touched the back country, and the poll tax of colonial times, which would have hit that section hard, was repealed.

Chapter IV.—The Reform in the Apportionment of Representation—(Continued).

The issue was brought up in the legislature that met in the autumn of 1794, by petitions sent in from the upper districts asking for a readjustment of the representation. In answer to these the house adopted a resolution, by a vote of 58 to 53, stating that it was inexpedient to do so. The reason given was that the existing representation was fixed in the constitution of 1790 as the result of a compromise which was based on an attempt to put the interest of the two sections on an equal footing. Experience had shown that the plan worked well and tended to promote the tranquillity and prosperity of the State. The senate committee having the matter under

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consideration was more favorable. It brought in a report admitting that the existing system was unjust and proposing that representation be assigned thereafter in porportion to white population, adding thereto all persons excepting Indians not taxed. The senate did not adopt the report, however, but passed a resolution defining the purpose of the Government to be that of securing life, liberty, and property, and stating that this had been fully accomplished under the existing arrangement. Therefore it would be unwise to grant the prayer of the petitioners. The vote stood 17 ayes and 16 noes. This was a strictly sectional division, as it had been in the house, excepting that a few of the low-country men had voted with the other section.

The vote in the senate was taken on December 12, the one in the house on December 22. On December 17, after the defeat in the house, 16 senators and 56 representatives from the up country held a meeting at Columbia and drafted an address to the people of the low country, which is full of interest. The paper was sent to the Columbian Herald at Charleston for publication by Robert Goodloe Harper.[1] In reviewing the history of the reform movement, they protested against the attempts that had been made to bring the reformers and their cause into discredit. They complained of being accused of fomenting discontent, riots, sedition, and even civil war; of desiring to get control of the entire State government, so as to be able to tax the low country and exempt themselves. As a matter of fact, they had never been lawless or violent in advocating reform, nor had they embarrassed the government by withdrawing from the legislature and setting up for themselves, as they might have done at any time.

On comparing this address with the previous articles on the question it is easy to detect a change of opinion on the part of the up-country leaders, which was evidently brought about by the discussions. They had given up contending for purely abstract rights. While from a purely theoretical point of view they had held that representation ought to be based on population, on account of the peculiar circumstances in the State, they now admitted that the rule could not apply. But

[1] Columbian Herald, Charleston, October 29, 1795. It was also published by W. P. Harris & Co., Hartford, Conn., October 11, 1795.

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they urged that the representation be so changed as to give them more influence in the government of the State and still allow ample protection to the wealth of the low country. They pointed out that the State was divided into three great divisions, which were naturally, economically, socially, and politically unlike. The right thing to do was to have each of these sections equally represented, or nearly so. The low country embraced the districts of Charleston, Beaufort, and Georgetown; the middle country those of Orangeburg, Camden, and Cheraw; and the up country proper Ninety Six, Washington, and Pinckney. The up country and the low country presented the greatest contrast in point of wealth, population, manners, and customs, in age and in industries, while the middle country was between the two in these respects. It surpassed the low country in population, but it was behind the up country in that regard. On the other hand, it surpassed the up country in wealth and in number of slaves in proportion to population, but in those respects it could not equal the low country. Its chief industry had come to be cotton and rice planting for export. Under such circumstances it was not just so to apportion the representation as to throw the control of the State government into the hands of one section. Political power ought to be so distributed, they argued, as to give the middle country the balance of power, as nature had intended. This they tried to show was perfectly safe by citing statistics. According to the census of 1790, the three sections ranked as follows in regard to population:

	White.	Negro.	Total.	Proposed representation.
Low Country	28,644	67,552	96,246	68
Middle Country	36,739	6,144	52,783	38
Up Country	74,163	9,540	83,703	59

According to this plan the low country would still have more than a third of the whole representation, which would enable it to prevent any radical change being made in the constitution, since a two-thirds vote was necessary for the adoption of an amendment. Besides, it was not likely that the middle country would join with the up country in any scheme that would necessarily place it under the control of

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the upper districts; for, if it must be governed by one section, it would naturally prefer the low country, with which it had most in common. In the same way the upper section would be secured against any radical change, since it also had more than a third of the entire representation. As to the fear that if the low country lost control of the legislature the slaves would be liberated, that was wholly groundless, for every member from the back country was himself a slave owner. Although few of the people had any large number of slaves, most all the farmers had some, so that if any legislator voted for the abolition of slavery he would surely be treated to a coat of tar and feathers on his return home. Furthermore, the middle country held many slaves, and would, therefore, never join the upper section in an antislavery measure, and without its aid the up country could do nothing. This arrangement would also prevent any unjust tax being placed on negroes, for it would fall heaviest on the up-country planter, whose slaves were least profitable on account of the cost of transporting to market what they raised.

Nor was there any reason for fearing an increase of taxation. The manufacturing business was of the household sort, so that what little commerce existed consisted in an exchange of produce for imported merchandise. Being thus outside of the channels of trade, money was exceedingly scarce, very much more so than on the coast, even in proportion to wealth. Taxes were thus paid with the greatest difficulty. Light as they were in the up country, the people felt the burden very greatly, as the daily seizures of property for unpaid taxes forcibly indicated, so that if any member voted for an increase of taxation he would never be reelected.

They argued that in every other respect the proposed arrangement would insure the protection of the interests of all the sections. They opposed particularly the suggestion that had been made of dividing the State, illustrating their argument by the fable about the body and its members. One passage is worth quoting. It reads:

> We all contribute to the public advantage, each, indeed, in a different way, but each is indispensable in numbers and strength. If you form the blood, the flesh, and the beautiful countenance of the body politic, we constitute no less the sinews and bones. You must grow with our rapid growth, and we must improve by communication of your improve-

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ments. . . . Be just on your part; be candid and wise. Human life is a system of compromises and compensations. None of us can procure and retain all that our self-love would prompt us to wish; but we all find ourselves obliged to make sacrifices, to submit to deprivations. They ought to be mutual. We have given up much of that to which we think ourselves entitled; do you, in turn, acquiesce, and acquiesce with cheerfulness and with alacrity, in our reasonable and modest requisitions? We shall then accept as a boon what we might claim as a right, and make you a rich return in confidence and attachment; so shall the wounds of our country be healed, the source of our differences forever dried up, and our public prosperity and happiness be fixed on a basis broad as our soil and firm as the everlasting foundations of justice and truth.

There is a tone of outspoken frankness about this address that is very characteristic of the time, and stands out in marked contrast with the adroitly phrased, cautiously selected, partisan declarations of later times. From the modern politician's point of view, they certainly made a poor case of it in this address. They admitted too much. When they abandoned the theoretical grounds on which they had originally based their claim to a larger representation, their main argument was gone. There was not the slightest intimation of any abuse or even unfairness in the administration of the government by the low country. It was admitted that their policy had been enlightened and even generous. Now that they acknowledged that exceptional local conditions made the general theory of representation inapplicable in South Carolina, there was nothing left to contend for excepting a compromise system. This they already had, and no oppression of any kind had resulted. About the only argument still left was that the system had in it the possibility of oppression, which was a threatening danger to the up country. But that remained so long as the State continued to be divided; for even under the system that they proposed there was nothing to prevent the planting interests from uniting and controlling the State through the legislature. There was no need of amending the constitution for that purpose. As it stood, it provided for the most strongly centralized and aristocratic government that could have been established under the limitations fixed by the Constitution of the United States. The planters could not have wished for a better instrument of oppression if they had been inclined to injure the up country.

Another feature of this controversy that will interest the

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student of sociology especially is the very marked sectionalism that existed in the State. The people clearly felt that there were two distinct societies within their bounds. In every Western community there is a feeling that as soon as a stranger arrives and establishes himself amongst them he becomes one of them. It never occurred to the tide-water planters to assume such an attitude in their dealings with the up country. They looked upon the people of that section as strangers within their gates, who were welcome to enjoy their hospitality, but who, of course, must not presume to meddle with their affairs. It is curious that the back-country men themselves half felt that way about it. They came uninvited and so nearly in a body that they were a little conscious of being intruders, particularly when they did not take up with the established customs and institutions of the original communities. They frankly admitted that they were a plebeian stock, striving to share the rights and privileges of the planter aristocracy.

The address had no further effect than to arouse a more general interest in the reform movement. Petitions upon petitions were sent in to the legislature every fall. But these were quietly disposed of by being referred to a committee that never reported, or if it did, the consideration of the report was postponed to some more convenient time, which, of course, never came. In 1796 the ayes and noes were again taken on the question, and they stood 50 to 57, very nearly the same as the vote two years previously.[1] Of the fifty who voted for a change three came from the low country. On the other hand, five from the middle river districts voted with the low country against a change of representation. A careful analysis of the ayes and noes recorded in the journals of the legislature from 1790 to 1814 on thirteen different propositions shows how the sectional feeling dominated the politics of the State. The results in a few instances will be sufficient to indicate the tenor of all the rest.

Under the constitution of 1790 the planters who owned estates in more than one election district were in the habit of voting in several places at important elections. They were enabled to do this because the polls were kept open for two

[1] City Gazette and Daily Advertiser, Charleston, December 21, 1796.

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days. The constitution did not distinctly sanction the practice, but it might be implied in the clauses prescribing the qualifications of members of the legislature and other office-holders. As noted in a previous chapter, there was a property qualification for a resident of the parish or election district, and a different one for a nonresident property owner. Under this provision it was not uncommon to elect a nonresident property owner to represent the district in the legislature. In like manner it became the practice to vote outside of one's home parish. On December 11, 1800, Mr. Hunter, an up-country member, offered a resolution in the house restricting a voter from casting his ballot in more than one place in any election.[1] The low-country members attempted to shelve the measure, as they had been in the habit of doing, by postponing its consideration to the next session, but they did not succeed, as the vote stood 52 for and 57 against postponing. As usual, a few members from the middle river section voted with the low country—three or four in this instance—and about eight low-country men voted with the up country against postponement. The members from the low country then drew up a declaration signed by 45 of their number and by Kershaw, from the central river country, to be placed on the journal. This declaration set forth that it was the practice, under the constitution, for persons to vote at as many election precincts as they pleased. They also quoted the provisions respecting the manner of amending the constitution to show that it was unconstitutional to change the constitution by a resolution. The latter point was voted down by a vote of 47 to 59. This action left it an open question whether the constitution could or could not be amended in that manner. The wording of that instrument was so explicit as to leave no doubt on that point. It provided that a bill for amending the constitution must be read three times in each house, and be passed in each by a two-thirds majority, and be published three months before the next election for members of the legislature. Then if passed again in the same manner it became a part of the constitution.

The Hunter resolution was finally adopted by a vote of 57 to 48. The members lined up in almost precisely the same

[1] Carolina Gazette, October 30, 1800; December 25, 1800. The Times, Charleston, December 19, 1800.

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way as they had previously. Two additional members were present to make up for two others who were now absent from the up-country delegation, and on the low-country side one additional member was present, but five others among the original number did not vote this time. Later the house adopted a resolution declaring that the Hunter proposition was a sectional measure, which was apt to revive old feuds that might result in "dissolving the social compact." It also stated that the resolution was not binding on the citizens of the State. The vote stood 52 to 50.

On December 17, 1807, the question of electing the sheriff, clerk of the court, ordinary, and register of mesne conveyances came before the house.[1] Heretofore these officers had been appointed by the legislature. It was proposed to allow the people hereafter to elect them by ballot in each district. The bill was passed by a close sectional vote of 44 to 38, a few low-country men voting with the up-country members and five from central river districts voting with the low country. In the senate the bill was carried by a vote of 16 to 13, distributed in precisely the same manner.

So far all the votes given were on local questions and from their very nature sectional. But the same divisions frequently took place on national issues. For example, on December 13, 1791, a resolution was offered in the house to request the delegation in Congress to secure a repeal of the tax on liquors distilled in the United States.[2] On that proposition the low country voted almost solidly against the up country, in which they were joined by five or six from the middle river districts. The planters of course voted against the resolutions and defeated them, 47 to 45.

Again, on December 13, 1796, a vote was recorded in the house on a bill to incorporate the Bank of South Carolina. The heaviest vote against the bill came from the up country, and it was lost by a vote of 52 to 45.[3] So far as analyzed the vote stood: Up country, 34 against and 11 for; low country, 18 against, 34 for.

Anyone approaching the question of the national politics of

[1] The Times, Charleston, December 20, 22, 1807.

[2] City Gazette and Daily Advertiser, January 10, 1792.

[3] It was impossible to locate a few of the votes, but in no case would the general result be materially changed. Ibid., December 20, 1796.

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this early period through a detailed study of local history and local conditions would be strongly impressed with the influence that the back country had in shaping and giving color to the democratic movement that made Jefferson its leader and hero. It was the undeveloped back country—the region of small farms and household industry—that stamped its ideals on the life of the nation when the new democracy displaced the old-line federalism with its conservatism in politics, its aristocratic leaning in social life, its desire for a strong national government and sound currency. The people in the early stage of the country's development were accustomed to frugality and to doing things on a small scale; therefore they wanted economy in the administration of the Government. They demanded low salaries and low taxes. The lack of familiarity with financial and commercial transactions on a large scale gave them an instinctive distrust for the banks.

In historical treatises this region is generally designated as an agricultural section. Hamilton, in his report on commerce, mentions the fact that the South was generally spoken of as having commercial interests and the Middle and Northern States as having manufacturing interests. In a general way this was perhaps true. But on looking a little closer we can see that in order to be accurate it is necessary to distinguish between the seacoast and the interior. The former, undoubtedly, was most interested in commerce, and it was this section that really constituted the South at that time. The interior of the South and the Northern States as a whole were more interested in manufactures; but the northern coast region also had distinct commercial interests. Particularly was this true in New England, where the men engaged in mercantile pursuits and in the carrying trade largely resided. The people on the New England coast were engaged in the traffic itself and in shipbuilding, which was not to any extent true of the Southerners. Therefore the New England section considered its commercial interests as paramount. In fact it is generally spoken of as a commercial section, for the reason that it did most of the trading and carrying business of the country. This shows how loosely expressions of this sort are used.

Our industrial system has changed so radically that the terms "manufacturing section," "commercial section," and

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"agricultural section" have come to mean very different things from what they did after the Revolutionary war. Now we call that region a commercial section where the buying and selling of goods is the prevailing occupation. But this could not have been the way the expression was used at the beginning of the century, for that was not true of any section. It meant then a region where the people engaged in cultivating the soil, which was a universal pursuit almost everywhere, sold most of their produce and purchased mostly what they consumed. That region was a manufacturing section where the people produced largely for the household and fabricated most of what they needed. In that sense the whole interior, both North and South, was very much alike, as were the regions within reach of navigable water alike, in being interested in commerce. There is positive evidence in the discussions already cited that this was the way those expressions were used by the South Carolinians in their local disputes, and there is little doubt that this distinction was a common one. In one sense of the term there was no manufacturing section at that time, for there was no region, for instance, like the State of Connecticut to-day, where the leading pursuit is manufacturing and where the whole industrial life of the people is adjusted with reference to it. Farming in that State has come to consist in producing dairy products, vegetables, fruits, and other supplies for the manufacturing population in the neighboring towns and cities. The farmers themselves rely on the West for their grains, meats, and even for their draft animals. So that when the factories are running at full blast they are prosperous, and when at the same time the prices of grains and of meats go down, so much the better for them. In that State the interests are certainly centered in manufacturing, and we properly speak of such regions as having chiefly manufacturing interests. This arrangement of industries is possible only under the factory system, which has brought about the present interdependence. It could not have existed at the beginning of the century, for even those engaged in making things produced a large share of their own supplies.

In the same way the expression "commercial interests" has come to stand for a very different thing. In the early period it meant market facilities quite as much as the trading and

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carrying business itself. Now everybody's wants are supplied through the market and all occupations center in it and adjust their accounts by means of it. This was not the case under the household system, where most of the things used were home-made. Those regions then were commercial where the division of labor had proceeded far enough to establish a market. It will be interesting to locate that section a little more definitely. It consisted of all those places within easy reach of the ocean and all navigable waters leading into it. This, in connection with the corresponding region on the other side of the Atlantic, cooperated in the maintenance of a division of labor and in the establishment of a market. The farms, forestry, and mines of America furnished raw materials and the shops of Europe finished goods. The ocean, with its adjoining seas and the tributary streams, furnished a gigantic waterway—a cheap and ready means of communication. Without it any extensive system based on a division of labor would have been out of the question. By means of it there was a considerable degree of cooperation between the people on both sides of the Atlantic. There would have been more of it if it had not been for the navigation acts and other commercial restrictions of the mother country. Even after the Revolution England continued her policy of throwing obstacles in the way of the development of our commerce and our carrying trade. England's purpose was to make the colonies producers of raw materials for use in her manufacturing and shipbuilding industries.

If the colonial industries had been permitted to develop along the lines of least resistance, that is precisely the form they would have taken in all those regions accessible to navigable waters. But the trouble was that the British landlords could not compete with the American farmers in the production of food stuffs, which were the only products that could be produced on any large scale in the Middle and New England colonies. To protect her agricultural interests she passed tariff laws which practically excluded American food products from the British markets. These products then sought a market among the planters of the South and the West Indies, who were specializing as much as possible in the production of profitable staples, like indigo, rice, tobacco, sugar, and semitropical products, and neglecting their food supply. The West India market was an important outlet for

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our surplus fish, flour, dairy products, meats, and lumber during the early period. These were exchanged for Spanish coin or sugar; the latter was in turn converted into rum, to be used in securing negroes on the African coast, which sold for coin or staple products in the Southern markets. In this roundabout way the food-producing sections within reach of navigable waters were kept partially in the channels of trade and secured the advantages of a cooperation with Europe through the West India market. So far as these sections were not able to make the necessary exchanges they were forced to go into manufacturing themselves.

These facts enable us to see the force of a number of events in our early history. For instance, in the early days in Carolina and Georgia, before the discovery of rice, indigo, and cotton, the colonists engaged in producing meats, vegetables, barrel staves, and lumber for the West India market to such an extent that the proprietors almost gave up all hope of using them for any other purpose. The Georgia trustees, by prohibiting the traffic in rum and negroes, seriously crippled the early development of the colony by cutting these colonists out of this round of exchanges. After the Revolutionary war we made desperate efforts to retain our rights of trade with the West Indies in our treaties with England. It was the one commercial advantage that the food-producing sections insisted on maintaining.

When we keep this distinction between the coast and the interior in mind, we can account for a number of peculiarities in our politics. For instance, in the vote on the ratification of the Constitution in 1787, the sections were clearly pitted against each other, the regions accessible to navigable waters voting strongly for the Constitution, the interior against it. The interior people took this stand partly because the Constitution prohibited the States from issuing paper money. The interior was in debt to the capitalists on the coast; coin was scarce, and so all money demands, such as the payment of debts and taxes, were very keenly felt. They made but very few exchanges for money, so the inconvenience of a fluctuating currency hardly touched them, while they were no doubt aware of the positive advantage of cheap money in the payment of debts, as the creditors were of the advantage of an appreciating currency in their collection.

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The opposition to the internal-revenue tax on liquors distilled in the United States becomes more significant in the light of this distinction. The interior opposed the tax very strongly, because it crippled their business. By making whisky and alcohol of their grains they reduced the bulk of their products enormously and increased their value at the same time. This practice brought many within the reach of a market that otherwise would have been cut off from its advantages, because it cost more to haul the grain overland to the nearest port than it was worth. In the same way the coast region opposed the embargo bitterly in 1808 because it put a stop to the round of exchanges absolutely necessary to the maintenance of its industrial system. On June 27, 1808,[1] the question came to a vote in the house of representatives at Columbia in the form of a resolution declaring that no legislative restrictions on commerce were required by the exigencies of the country. The up-country vote was strongly against the measure, 29 to 19, while the low country was all but unanimously for it, 40 to 8. The motion was carried, 67 to 35.

Jackson, in his day, represented the same element in our politics that Jefferson had before him. It showed itself in the war on the bank, in the extension of the suffrage, and the equalization of representation, in the democratic tone of our social life, brought about by the general equality existing in the newer back country.

The most interesting phase of the sectional strife in South Carolina was its culmination in the reform of 1808. This we must now describe.

The situation was best summed up in a speech by Joseph Alston, from Winyaw.[2] He urged that the question of amending the constitution be submitted to a constitutional convention instead of a legislature, because the fundamental principles of political liberty were involved. This important issue, he said, had been reduced to a paltry contest for political power between the upper and the lower districts of the State. He had always been opposed to the existing representation, not for reasons of local interest, for from a geographical point of view, he did not care whether Winyaw or York

[1] The Times, Charleston, July 1, 1808.

[2] Alston, Speech of Joseph Alston, etc. (Printed in Georgetown, S. C., by F. M. Baxter, 1807.)

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had the most influence in the legislature.[1] So far as he was concerned he favored taking white population as a basis, but he would not oppose a double basis of population and wealth. The important thing was to adopt a system based on some principle, so as not to make representation depend on an arbitrary decree of the legislature. It was high time that it should cease being a party question. Some of the low-country parishes had reason to side in with the reform movement, for their representation was not what they deserved. For example, All Saints, a parish on the extreme northeastern coast, not included in the black belt, had one member, while St. Thomas and St. Dennis Parish had three, notwithstanding the fact that All Saints was both more populous and more wealthy. He denounced the doctrine that Calhoun later called the "concurrent majority." The ground on which the low country had rested its claim to extra representation was that it had pecular interests which it must have the power to protect. This amounted to saying that, in order to prevent an abuse of the legislative power by the majority, the power to do so was to be entrusted to the minority. This idea was certainly a happy improvement in the science of government, and was based, no doubt, upon the maxim of the facetious Dr. Walcott, that as there are more fools in the world than wise men, the few have always a better chance of being right than many. Under different circumstances this retort might have been regarded as a crushing argument, but this was not a case of a minority of one community being opposed to a majority of their number. It was a case of an original, older, smaller, but wealthier community, whose institutions rested on slavery, trying to hold its own against a newer, free society which threatened to overwhelm it by its numbers. This was undoubtedly the way that the tide-water men looked upon the question. Their greed for power was not so much for office and spoils as it was for security. Anyone who fails to grasp this idea must fail to estimate rightly the motives of the Southern men in the constitutional convention and later in Congress. Of course after 1830, when fanaticism had seized upon the people, and time had altered the issue, the situation changed

[1] Winyaw was a parish on the northeastern coast and York was one of the extreme upper districts.

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radically. It became then a question of morals rather than solely one of institutions and interests.

The strongest plea for altering the representation was the portrayal of the changed economic and social conditions in the State. He stated that with the exception of a few cities and villages on both sides, the interests of the people were agricultural. Not only agricultural, but, with the exception of rice, they produced the very same commodities—cotton, tobacco, hemp, indigo, corn, and the small grains, which had already become common to nearly all the districts. Moreover, the cultivation of the soil was everywhere carried on unfortunately by slaves. While the slaves in the low country were held by a comparatively few large planters, they were nearly equally distributed among all the farmers in the up country. The situation had changed decidedly since 1778. Then the lower districts were essentially what they were in 1807, but the up country was then less cultured, less refined, and limited to the satisfaction of their wants by the products of their own farms. Possessing few or no slaves, they raised little for export and contributed less for the support of the government. This was indeed a melancholy situation to face. Still under such circumstances the low country leaders, under the influence of the humanitarian principles of the Revolution, thought themselves bound to grant them equal representation and make a provision in the constitution for keeping it so. By 1807, however, the up country had made most remarkable progress. It had nearly doubled its population and had increased astonishingly in wealth, and, as Mr. Alston observed, "to complete the climax, they have assimilated so nearly to the privileged districts below."[1] Under such circumstances he hoped that the low country would not refuse as a boon what thirty years before they had felt bound to grant them as a right.

At length, on December 16, 1807, the house passed a resolution calling a special session of the legislature, beginning the third Monday in the following January, for the consideration of a reform of the representation.[2] The senate concurred in the resolution two days later. The meeting turned out to be very harmonious, the reform measure passing with only two

[1] Alston, Speech, p. 16.

[2] Charleston Courier, December 19, 1807; June 25, 29; July 2, 1808.

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votes against it in each house. It provided for a redistribution of the representation on the basis of population and taxation. For that purpose the census was to be taken in 1809 and every ten years thereafter. The measure took the form of an amendment to the constitution of 1790. It provided that the legislature shall allow one representative for every sixty-second part of the whole number of white inhabitants in the State, and one representative also for every sixty-second part of the taxes raised by the legislature of the State.[1]

In case the fractions of population in any district, when added to the fraction of taxes, was equal to unity, one representative was to be allowed. Each district was to have at least one representative, and in order to make up 124, additional members were to be assigned to those districts having the largest fraction left over. There were a few slight changes in the district boundaries, but these were of no consequence. After that date each district and parish was to be allowed one senator, except Charleston, which was to have two on account of its having two parishes.

Now, what were the real effects of this change of the representation? Calhoun's explanation has always been the accepted one.[2] After reviewing the history of the settlement of the up country and its exclusion from any influence in the government, he continued: * * * "The senate, which consists of one member from each election district, except Charleston, which has two (one for each of its two parishes), remained the same. This, in consequence of the organization of the lower districts into parishes, and these again into election districts, gave the lower section a decided preponderance in that branch of the legislature. To give the upper section a like preponderance in the house of representatives it became necessary to remodel it. For this purpose there were assigned to this branch of the legislature 124 members, 62 were allotted to white population and 62 to taxation, to be distributed according to election districts, giving to each the number it would be entitled to under the combined ratios of the two elements. This gave to the upper section a preponderance equally decisive in the house of representatives, and thus an equilibrium was established between the two sections

[1] Cooper, Statutes at Large of South Carolina, Vol. I, p. 183.
[2] Calhoun, Works, Vol. I, p. 401.

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in this legislative department of the government; and, as the governor, judges, and all the important officers under the government are appointed by the legislature, an equilibrium in every department of the government. * * * The government, instead of being as it was under the constitution of 1790, the government of the lower section, or becoming subsequently, as it must have become, the government of the upper section, had numbers constituted the only element, was converted into that of the concurrent majority, and made emphatically the government of the entire population—the whole people of South Carolina—and not one of portion of its people over another."

This explanation would lead one to conclude that it was, out of a sense of justice, based on political theory that the low country yielded and made a great concession. In the light of the facts traced in a preceding chapter in regard to the spread of cotton planting and the institution of slavery into the middle and up country, we can hardly accept Calhoun's statement as a complete and satisfactory explanation. Taking the low country as consisting of the parishes in the three coast districts of Charleston, Georgetown, and Beaufort, which was still customary at that time, the new apportionment gave the low country 54 and the up country 70 in the assembly and the low country 22 and the up country 23 in the senate. According to this interpretation the low country had made a real concession and given the up country control of both branches of the legislature. But evidently the low country was no longer confined to these three maritime districts. Its interests had spread along the Santee and the Congaree far into the middle country; where the districts had also been divided into parishes. Counting this section in with the old low country, the representation stood 26 to 19 in the senate in favor of the low country; the house was evenly divided, 62 to 62. This was evidently the way Calhoun had reckoned. But the real explanation of the concession must be obtained from a study of the black belt. This belt, as already stated, embraced that region in which the colored population constituted 50 per cent or more of the total. In 1791 it was limited to the coast districts which it never quite covered. By 1800 it had gained considerably along the central river valleys, and by 1810 remarkably so. It was evident to all then that it was bound

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to spread much farther in the decades to follow, as the facilities for transportation were perfected, enabling cotton to be brought to market from the remotest places. That region was really the low country writ large. Taking that as our basis and contrasting it with the rest of the State, or the white belt, the representation came out exactly the same as when counting all the parishes together, that is, 26 to 19 in the senate and evenly divided in the house, 62 to 62. But taking the entire low country and adding thereto the black belt, so far as it extended beyond its limits, we find the figures standing 28 to 17 in the senate and 66 to 58 in the house. There is no doubt that this is the real key to the explanation of why the low country yielded. This was made very clear in the speech of Joseph Alston as we noticed. The same idea was advanced by Brevard in his introduction to a digest of the State laws published in 1814.[1] He wrote:

> In process of time, however, as the upper and middle country increased in population and improved in education and knowledge, while the lower country remained stationary in these respects, a more yielding and liberal spirit was manifested; and the more sagacious and calculating part of the community of the lower country, being convinced of the propriety and the necessity of a reform, became reconciled to the measure.

The "sagacious and calculating" part of the low country were convinced of the propriety of the reform, not from political theory, but because they foresaw that the customs institutions and interests of the tide-water were bound to spread with the spread of cotton planting. That those sections into which slavery was spreading would unite themselves politically with the low country, they already knew. The analysis of the votes in the legislature after 1790 shows beyond a doubt that the members from the middle river districts had come to act with the low country on all sectional issues. That fact did not escape the sagacious and calculating part of the low country. In fact, it was only as a geographical section that the low country made any concessions in 1808. It was only extending political power into those regions into which its interests and institutions were spreading. When we trace the history of the black belt we see what a safe thing this concession was. There never was

[1] Brevard, Digest of the Laws of South Carolina. Vol. I, p. xviii.

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a time until the reconstruction days that the black belt, or the greater low country did not absolutely control the government of the State, as the following table shows:

Year.	Senate.						House.					
	1810.	1820.	1830.	1840.	1850.	1860.	1810.	1820.	1830.	1840.	1850.	1860.
Low country	22	22	22	22	22	22	54	52	47	47	48	47
Up country	23	23	23	23	23	24	70	72	77	77	76	77
Parishes	26	26	26	26	26	24	62	60	55	55	56	51
Districts	19	19	19	19	19	22	62	64	69	69	68	72
Black belt	26	30	33	33	38	38	62	71	81	83	96	97
White belt	19	15	12	12	7	8	62	53	43	41	28	27
Low country, plus extension	28	32	35	34	40	40	66	74	84	87	100	101
Up country, less extension	17	13	10	11	5	6	58	50	43	37	24	23

This table tells its own story. It shows how, as the institutions originating in the tide-water section, crept upon the up country, political power went with it. The concurrent majority principle was a success in South Carolina, because the minority, originally a distinct community having political power completely in its control, kept possession of it until it had won over the majority to its interests and its institutions.

Chapter V.—Sectionalism and Representation, 1808–1868.

Many attempts were made, notably in 1807, 1831, and 1832, to allow the people of the districts to elect their own tax collectors who had been appointed by the legislature from the earliest times.[1] But at every attempt the low country defeated the measure.

In the matter of representation there were a few unimportant changes, so far as the old sections were concerned, as is shown by the above table. Pendleton district was divided into two, Pickens and Anderson; and these were allowed four members each, one more than had been allowed to the old district. This change also gave the up country one

[1] The Times, Charleston, December 20, 1806; December 22, 1807. Southern Patriot, Charleston, December 18, 17, 1832; December 5, 12, 1831.

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more senator. Saxe Gotha Parish, with some adjoining territory, was erected into Lexington district. The interest now shifts entirely from the old tide-water section to the black belt which of course had an overwhelming power in the State, having increased its representation in the senate from a ratio of 20 to 17 in 1790 to one of 40 to 6 in 1860; and in the house from a ratio of 70 to 54 to one of 101 to 23. It does not follow, however, that the old sectional lines had been entirely wiped out. They still reappeared occasionally, as we shall see, because of the marked concentration of wealth in the low country, and the difference in habits and customs. A few examples will be of interest.

In 1831 a resolution was adopted interpreting the clause in the constitution regarding the residence qualification of voters.[1] It seems that the two years of residence in the State and six months in the election district had been construed at times to mean immediately preceding the election. This became an annoyance to the merchants of Charleston, who went North and abroad frequently on business, and therefore had their votes challenged because they could not claim a continuous residence. The new interpretation made this not applicable to a person whose home or family was in the State while he was temporarily abroad with the intention of returning. Of course the Charleston delegation and their supporters were most interested in this measure.

The question of plural voting also came up again, though in a modified form. It appears that in important closely contested elections voters went outside of their parishes to cast their ballots. This was the case in the senatorial contest in Georgetown in 1832. At some polls, as at Santee and Pedee, such votes were received, while at Georgetown they were rejected on the ground that the election for senator to fill a vacancy at that time was a continuation of the election in 1830. Hence a person who had voted for senator in All Saints in 1830 was debarred from voting at Pedee in 1832 by the law against voting in more than one precinct at an election.

The old sectional demarkation and the question of representation cropped out in a new form in 1832 when the nullifi-

[1] Southern Patriot, Charleston, December 20, 1831.

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cation convention was about to be called.[1] The leaders of the Union party pointed out the absurdity of allowing members of the legislature to sit in the convention when they themselves called it. For if a majority secured seats in the convention, that body would really be the legislature under a different name. It was seen, however, that they could not very well be excluded, because that would cut off the leaders of the nullification agitation from participation in the proceedings. Still, comparatively few members of the legislature were sent as delegates to the convention.[2] The bill as finally passed, calling a convention, provided that it was to assemble at Columbia on the third Monday in November in 1832,[3] and that on the preceding Monday elections were to be held for delegates at the usual places and under supervision of the regular officers. Electors qualified to vote for members of the legislature were qualified to vote for members of the convention, who were to be free whites, 21 years of age, and citizens of the State. The representation was to be the same as that in the legislature, each district and parish being entitled to as many delegates as it had assemblymen and senators combined.

The members of the legislature belonging to the Union States Rights and Jackson party held a conference at Columbia on October 25, at which they defined their position, and recommended that union delegates be elected to the convention. The central committee of the Union party of Charleston held a meeting on the receipt of these resolutions and made a public statement to the effect that it would be useless to make a fight in Charleston.[4] It would result in a case of contested election, which would bring more trouble and expense upon them than the thing was worth, besides they would be lending a sort of sanction to the convention if the Union party sent its delegates. The committee held that the convention would not be a convention of the people according to the proper acceptation of the term; that the sovereignty of the people was vested in a convention which was the great body of the people in the persons of their deputies assembled to consider

[1] Southern Patriot, Charleston, October 26, 1832.
[2] Niles, Weekly Register, Vol. XLIII, pp. 175, 277.
[3] Ibid., p. 152.
[4] Southern Patriot, Charleston, October 27, 1832.

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the common good and to prescribe whatever they might deem expedient for the accomplishment of that object. Its powers being illimitable, undefinable, and irresponsible, they could be granted only by the people, that is, by all the citizens of the State who had attained the age of manhood. The majority must of course decide on all questions which might come up, but constituted as the convention was, on the basis of taxation and population, the sentiment of a minority in the State might prevail in the convention. This would result in the monstrous paradox that the people in their sovereign capacity, and exercising their primary and natural rights, would be subject to the control of a minority. Such a convention they considered to be irregular, and its acts of no force. Therefore, they thought it was not best to support a union ticket.

This declaration of political principles, coming from the men of Charleston, is full of interest, in view of the position that Charleston had always held on the question of representation. In the constitutional convention, which met in 1790, the very same point arose, and Charleston stood as firm as a rock for the same representation in the convention that the districts and parishes had in the legislature. This action shows to what extent self-interest will shape the political theories and the sense of political justice in men. The Union party was now interested in preventing the ruination of business and the political disturbances which the nullification convention was bound to bring upon the State. To accomplish this, they tried to bring the convention into discredit with the people.

Other Union meetings were held, notably in Greenville,[1] Spartanburg, and Chesterfield districts.[2] At the Chesterfield meeting on October 20 resolutions were adopted opposing the proposed representation in the convention and requesting the senator from that district to vote for all measures, in case the convention could not be prevented, intended to make it strictly an equal representation of the freemen. At the Greenville meeting it was resolved that the convention was illegally brought into existence and unfairly constituted, and consequently its acts were not binding; that no one could hold

[1] Southern Patriot, Charleston, October 21, 1832.
[2] Ibid., December 18, 1832.

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that lands, houses, and slaves had any right to sovereignty or could express the sovereign will of the State. It followed that any convention called on a basis of representation that gave 50 voters in one section the same power as 1,000 voters in another was anti-republican and not capable of expressing the sovereign will of the State. Such, however, was the inequality of the representation in the convention which undertook to declare that if the General Government did attempt to enforce its laws within the State of South Carolina she should no longer be a member of the Union, but a free, sovereign, independent nation. They added that the vote had been light because the people did not realize the seriousness of the step in the contemplation of their leaders; that if the ordinance were submitted to a vote of the people it would be indignantly rejected. They were opposed to lifting a hand against the Union, let the order come from what source it might, and any attempt to force them into such a course would be "met with drawn swords and fixed bayonets." The action taken in Spartanburg and several other districts was very similar.

Later the Unionists in Charleston changed their minds and gave the nullifiers a lively fight. The result was that the nullifiers carried the city by only 144 majority, the vote being 1,484 to 1,340. The battle had really been won in the October election of the same year for members of the house, including one-half of the senators. It was this body that passed the act calling the constitutional convention for the following November. Evidently the nullifiers had won the day when they secured a two-thirds majority in the legislature. The people then had expressed themselves in favor of nullification. The election of delegates to the convention who would put the doctrine in force followed almost inevitably. The popular vote in that election is worth a little study. It is a difficult matter to get the exact figures, for the investigator must rely on newspaper reports of the election, and these were not complete nor scrupulously accurate in detail. But, incomplete and unsatisfactory as they are, they are nevertheless valuable for making rough comparisons.

An analysis of the vote brings out some of the sectional characteristics in a striking way. One of these is the marked

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difference in the voting strength of the two sections. This can be shown best by arranging the facts in a tabular form:

UP COUNTRY.

	Districts and parishes.	Highest vote cast for member of the house, October, 1832.			Representation.	
		Nullification.	Union.	Total.	House.	Senate.
1	Abbeville	1,666	946	2,612	5	1
2	Barnwell	1,101	595	1,696	3	1
3	Chester	1,096	757	1,853	4	1
4	Claremont	(?)	(?)	(?)	3	1
5	Clarendon	255	340	595	2	1
6	Chesterfield	343	559	902	2	1
7	Darlington	497	666	1,163	2	1
8	Edgefield	1,629	609	2,238	6	1
9	Fairfield	1,207	103	1,310	4	1
10	Greenville	500	1,280	1,780	3	1
11	Kershaw	340	603	443	3	1
12	Lancaster	432	632	1,064	2	1
13	Laurens	1,482	985	2,467	4	1
14	Lexington	624	.....	624	2	1
15	Marlboro	(?)	(?)	(?)	1	1
16	Newberry	1,155	137	1,292	4	1
17	Orangeburg	(?)	(?)	(?)	2	1
18	Pendleton	2,494	1,255	3,749	7	1
19	Richland	784	259	1,043	4	1
20	St. Mathews	286	30	316	1	1
21	Spartanburg	833	1,839	2,672	5	1
22	Union	1,352	523	1,875	4	1
23	York	1,116	1,052	2,168	4	1
	Total	19,192	13,170	32,362	77	23

LOW COUNTRY.

	CHARLESTON DISTRICT.					
1	St. Philips and St. Michaels	1,448	1,316	2,764	16	2
2	St. James, Goose Creek	114	177	291	1	1
3	St. Johns, Berkeley	139	69	208	2	1
4	St. Johns, Colleton	71	.....	71	1	1
5	St. Stephens	60	.....	60	1	1
6	Christ Church	39	78	117	1	1
7	St. James, Santee	61	19	80	1	1
8	St. Andrews	70	.....	70	1	1
9	St. Thomas and St. Dennis	37	16	53	1	1
10	St. Pauls	(?)	(?)	(?)	1	1
11	St. Bartholomews	(?)	(?)	(?)	3	1
12	St. George, Dorchester	88	212	300	1	1
	BEAUFORT DISTRICT.					
13	St. Helena	120	38	158	2	1
14	Prince Williams	(?)	(?)	(?)	2	1
15	St. Lukes	164	61	225	2	1
16	St. Peters	(?)	(?)	(?)	2	1
	GEORGETOWN DISTRICT.					
17	Prince George, Winyaw	186	188	374	3	1
18	All Saints	162	34	196	1	1
19	Horry	(?)	(?)	(?)	1	1
20	Marion	772	500	1,272	2	1
21	Williamsburg	283	283	566	2	1
	Total	3,814	2,991	6,805	47	22

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A glance at the tables will show that the votes for three of the upper districts are missing. These districts elected nullification candidates, excepting Clarendon, which was controlled by the Union party. Likewise, the votes for five election districts in the tide-water are wanting, and only one of these, Horry, was carried by the Union party. The discrepancy, therefore, affects one section about as much as it does the other, and is not sufficient to vitiate the results.

It is very evident that the complaint of the up country and also of the Union party, that the representation was grossly unfair, was well founded. The average vote polled by the 19 upper districts was 1,703, while that of the 17 tide-water parishes was only 400. A closer inspection will show that if we count out Charleston and the district of Marion, where the white population was centered, the average falls to 184 for the remaining 15 parishes. Of these, 5 parishes polled only from 53 to 80 votes. This indicates clearly the power of the slaveholding aristocracy of the tide-water district. If the representation in the State legislature had been according to the popular vote in the entire State, the Union party would have elected 70 out of the 169 members, for the total Union vote was 16,161 and the total vote of the State was 39,167. As it was, the Union party controlled only 13 votes in the senate, several of which were holdovers, and 26 in the house, making a total of 39. Manifestly, the nullifiers could not then have mustered a two-thirds' vote in both houses, for that required at least an aggregate of 113 members, while if representation had been distributed according to the popular vote they would have had only 99. The Union party was no doubt aware of the advantage that this unequal representation gave to the nullifiers, and so even the men of Charleston belonging to the Union side broke with their traditional policy in regard to representation in order to gain their point.

Another interesting fact made clear by this vote is the attitude of the two sections toward the doctrine of nullification. It has been frequently stated that this doctrine was peculiar to the tide-water section. General McCrady denies that it was, and certainly the vote in 1832 justifies his position.[1] The vote for nullification was about equal in the two sections. If the returns had been complete for the low country, the nulli-

[1] McCrady, Eminent and Representative Men of the Carolinas, Vol. I, p. 46.

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fication vote would have been relatively somewhat larger; for four of the five parishes for which the figures were not obtained went strongly against the Unionists. As the returns stand the nullification vote of the up country seems to be a trifle heavier. It was 59 per cent of the total, and that of the low country was a little over 55 per cent. The interesting thing is the location of the Union vote. It was heaviest in the extreme upper districts, where the slave economy had made the least inroads upon the old free-labor society. The Unionists elected all the candidates in Greenville, Spartanburg, Lancaster, Chesterfield, Kershaw, Clarendon, and Darlington in the up country; and in the low country they elected all their candidates in Horry district, and the parishes of St. James, Goose Creek; St. George, Dorchester, and Christ Church. In Prince George, Winyaw, the Unionists elected two out of three candidates. The vote in Williamsburg was evenly divided—283 to 283—but of course the nullification candidate was seated.

There was a curious difference in the vote polled by the different candidates on the same ticket in some cases. For instance, in Fairfield where the people voted for four members of the house of representatives, the nullification candidates secured the following votes:

Buchannan	1,207
Kirkland	1,013
Ployer	887
Lyles	885

In the parish of Prince George, Winyaw, which sent three members to the lower house, the Union vote stood:

Fraser	188
Dozier	184
Heriot	175

The nullifiers received the following vote in the latter parish:

Cohen	186
R. F. W. Allston	182
J. H. Allston	177

Here evidently Cohen, in spite of his nullification doctrines—for he voted with his party—was elected by almost as large a vote as the most popular Union candidate. The personal

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element counted for a great deal in South Carolina under the old régime. It is not always safe on that account to follow the speeches of the political leaders of South Carolina in interpreting her history. Anyone who should take Calhoun's views on the tariff, internal improvements, and nationalism, in the period from 1812 to 1820, as an index of what the people of South Carolina thought on these issues, would be led far astray. It is a mistake also to think that Calhoun was the embodiment of the nullification movement. That agitation started as a popular clamor against the tariff policy of the Government. It was based on the settled conviction of the people that the tariff interfered with the plantation system by placing restrictions on the exchange of the staples for foreign finished goods, and that this was done by the manufacturing States to build up their own industries at the expense of the planters. The industries of the South were fast declining. Ruin was staring many of the planters in the face. The clamor for relief became louder and louder after 1820, until it culminated in the nullification convention. Instead of Calhoun inaugurating the movement, by his metaphysical dissertations, he was himself turned away from his early nationalistic tendencies by the widespread distress that all the Southerners were complaining of, to find a remeny in nullification, the old weapon of the disaffected minority.

The peculiar loyalty and devotion to political leaders is well shown by the number of nonresident delegates sent to the convention in 1832. In many cases they were favorites who had been defeated in the October elections for members of the legislature. For example, Greenville sent Henry Middleton, who was a defeated Union candidate from Charleston; Horry sent Daniel Elliott Huger, another Union man from Charleston, who had been defeated in the preceding election; St. Bartholomew elected Franklin H. Elmore, a nullifier from Laurens. Other instances of this kind might be cited. It would seem that men of well-known ability and character were great favorites with the people. They wanted their best men to represent them even when at times they did not fully agree with their position on the questions at issue. Moreover, there is no doubt that the element of personal loyalty and of hero worship was very strong among South Carolina gentlemen.

In the election for delegates to the convention in November,

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1832, the nullifiers carried every election district in the low country, excepting Horry, which was not a planting region at all. The Unionists stood their ground in the up country and carried the seven districts which they had carried before in the October elections.

When the convention met the Union delegates, following their tactics in the preceding campaign, attempted to cast discredit upon it because of the inequality in the representation. On the second day of the meeting Henry Middleton, a delegate from Greenville, offered a resolution setting forth the doctrine that the sovereignty of the State resided in the free white inhabitants; that the convention being composed of delegates assigned on a basis of taxation and wealth was not a fair representation of the sovereignty of South Carolina. Later Mr. Gibson, of Lancaster, presented a similar resolution, in which he stated that 4,402 voters of one district had no more influence than 53 voters in one of the parishes.[1] He objected also to the aristocratic feature of the constitution requiring a property qualification for members of the legislature.[2]

The Union delegates could do nothing more than put themselves on record, since they were only an insignificant minority. It was a very noticeable fact that the proposition of the Union men coincided with the traditional attitude of the up country on the question of representation. There must have been a feeling that if the up country had been fully represented the antinullification party would have gained considerably. The complaint concerning representation was not merely due to an effort to discredit the convention with the people. Before the election was held the committee of the Union party of Charleston, as we have noticed, thought that it was useless to attempt to defeat the nullifiers, as it would only result in a contested election if their side carried, and this meant, of course, that the nullification delegates would be seated. The leaders of nullifiation seem to have had control of the "machine," as we should now say—that is, they were the active professional politicians. This gave the planter aristocracy of the coast the grip on the situation, or at least the Union element must have thought so. For this reason they directed

[1] Niles, Weekly Register, Vol. XLIII, p. 276.
[2] See the Analysis of the Constitution of 1790, Chapter I, Part III.

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their attack against unequal representation and the extra power that the low country had always held and on which its advantage in the present contest rested.

Another interesting outbreak of the old sectional differences occurred in the house of representatives on December 3, 1832,[1] over the report of the committee on retrenchment, which advocated a 25 per cent reduction in all the salaries of public officers. Mr. Henry, a Unionist from Spartanburg, upheld the cut in salaries on the ground that an aristocracy ought not to be created in any country by paying enormous salaries to the servants of the people. In North Carolina the governor was paid $2,000, which was sufficient to attract men of talent and great ability. In the opinion of the section that sent him to Columbia, a reduction might be made with great propriety in the salaries of many of the State officials.

Mr. McCord, of Richland, one of the river districts, opposed cutting down the salaries because it would lower the dignity of the State. He did not want to see South Carolina adopt the custom of Connecticut, where the governor was paid $400 and judges $250 yearly, and where the legislature sat twice a year in every court-house in the State. He reminded his hearers that South Carolina was a sovereign State, not a mere province. Then, continuing in a facetious manner, he said that it had been rumored that the governor of North Carolina had resigned his office and accepted an agency among the Indians to become a driver and wagoner for the Mohawk gentlemen. If the salaries were cut, the same calamity might befall South Carolina. After this speech the bill was laid on the table.

In a convention in 1852 the question of the right of secession came to a vote.[2] There were 19 votes cast against the doctrine, of which 5 were from Greenville, the entire delegation from that district voting against it, as it had against nullification. The other votes came from Abbeville, Darlington, Richland, Fairfield, and York, each casting 1 vote, Barnwell casting 3, and the parishes of St. Philip's and St. Michael's, St. James's, St. Helena, Christ Church, St. Peter's, and St. Stephen's each casting 1 vote.

[1] Southern Patriot, Charleston, December 7, 1832.
[2] Journal of the Convention of 1852.

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The same year an attempt was made to have the presidential electors chosen by popular election as in the other States.[1] There were two bills introduced into the legislature, one by Mr. McCrady, of Charleston—the father of Gen. Edward McCrady—and the other by Mr. Kershaw, but neither became a law. An effort was also made in the legislature to agree upon a revision of the Congressional representation. The Columbia correspondent of the Charleston Courier wrote an interesting account of it.[2] He said that it was a matter of great rejoicing that the railroads, owing to their increasing facilities of communication, had done much to remove sectional and local prejudices, and that the people came more and more to regard the State as a unit, its integral parts having, indeed, to some extent different, but not conflicting or incompatible interests. The terms up country and low country, once so significant as the shibboleths of parties, had now become mere geographical expressions. In addition to the railways the college had done much to consolidate and harmonize the State. Nevertheless he said that an observer at the session of the legislature would have been otherwise impressed. The committees on redistricting the State had held their first meeting together, Mr. D. Treville being chairman of the senate committee of 28, and Mr. Keitt of the house committee of 29. The correspondent wrote that the aphorism that "many men make many minds" had never received a more striking illustration than it had at this conference. There was a great variety of plans, schemes, devices, and contrivances suggested. He said that no peddler was ever better supplied with notions, nor was any itinerant dispenser of bargains ever more anxious to display his wares than were the members of that committee, charged with the most delicate and difficult task of pleasing everybody.

Charleston wanted its Congressional district left intact because of its important commercial interests, although the representation of South Carolina in Congress had fallen from 7 to 6 during that decade.

It is interesting to note the various changes in the representation of the State in Congress:

[1] Charleston Courier, December 1, 1852.
[2] Charleston Courier, December 3, 1852.

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Year.	Number of members in the House of Representatives.	Year.	Number of members in the House of Representatives.
1790	5	1842	7
1792	6	1852	6
1802	8	1868	4
1812	9	1876	5
1822	9	1882	7
1832	9	1893	7

These figures are an index of the periods of growth and decline of the State. There was a phenomenal growth from 1790 to 1812, due to the opening up of the middle country and the up country. This is shown by the increase of representation from 5 in 1790 to 9 in 1812. After 1812 the State barely held its own for the two succeeding decades. After 1832 it declined remarkably as compared with the nation, and its representation fell from nine to four in 1868. Since the war it has gained again.

There was nothing of special interest in the early apportionment of the Congressional representation. The adjoining districts were grouped together roughly on a population basis, without any apparent attempt at gerrymandering. Of course, the three-fifths principle worked to the advantage of the low country in very much the same way that it did for the South as a whole as against the North, because the most of the slaves were on the coast. This was undoubtedly a distinct gain for the slave-holding section. Since 1882 the Congressional districts have assumed very fantastic shapes, county lines being broken right and left, and in one instance the district was not even continuous. But the history of politics in the State since the war must be postponed for discussion in a separate article to appear later.

In 1860 the secession doctrine had been accepted almost unanimously, excepting in some of the mountain districts like Greenville and Spartanburg. On this point it is rather interesting to read the observations of De Large, a colored delegate from Charleston in the convention of 1868.[1] He said if it was not already known it should be, that the small land-

[1] Charleston Courier, January 25, 1868.

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holders of the up country were the most loyal to the Union. Some of these people were forced into the Confederate Army, and many were driven into the mountains and swamps of the State for protection during the war. This could not have been more than a very insignificant part of the population. The point of interest is that the loyal element came from the remote mountain districts, where the tide-water institutions had never been fully established. They failed to thrive there because staple growing was unprofitable, owing to the nature of the soil and climate and the inaccessibility of the market.

In the constitutional convention called in 1865, the whole question of representation was discussed again.[1] Governor Perry on his return from Washington in 1865 made a speech at Greenville, in which he related his interview with President Johnson.[2] He said that he had assured the President that South Carolina would henceforth be one of the most loyal States in the Union, that she would reform her constitution, abolish slavery, allow the governor and the Presidential electors to be elected by the people, and equalize representation. In reference to the origin of the secession idea he said: "I gave it as my opinion that the disunion feeling of the South had originated in the parishes." This has been asserted by others both in and out of the State. General McGrady is strongly of the opinion that the doctrine of secession was not peculiar to any section of the State, and this opinion is certainly borne out by the votes on the question in 1852 and in 1860. If we trace the question a step farther, however, and inquire into the origin of the institution of slavery and the plantation economy, we shall have no difficulty in seeing the force and substantial accuracy of Governor Perry's remark. The seaboard parishes were the source from which came those social, political, and economic institutions and interests which made the South so radically different from the North. As the South Carolinians of both sections of the State so often pointed out in the years from 1785 to 1800, the up country was so situated that its industries must always center in the farm and the small shop, a system under which people were best off without slavery. But as soon as upland cotton became a staple and the railways and canals opened up

[1] Charleston Courier, August 17, 1865.
[2] Ibid., August 21, 1865.

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the interior regions to the plantation system, the people changed their minds. After that it was plain to them that the State was bound to become a unit, through the assimilation of the up country to the tide-water. There is no denying the fact that such a change did take place, and take place very rapidly after 1800. The extreme mountain districts like Greenville and Spartanburg were not revolutionized, and it was in these regions that the people opposed the doctrines peculiar to the South. There was also an appreciable element in the city of Charleston that remained strongly loyal to the last, which can be accounted for by the business interests that existed in the city. With such a transformation as the plantation system wrought, it is not strange that the up country took up the political ideas of the tide-water planters; it is a wonder that any trace of the old free labor society was left. For in society, in politics, and in business the low country aristocracy took the lead. From that element, which all conceded to be very superior, came the political teaching, the manners, and business methods of the State. In view of the acknowledged superiority of the seaboard society, it is not surprising that its ideals were adopted by the interior. There was another powerful reason why the up country should join with the planters in the opposition to the National Government, and that was its lack of prosperity. Discontent and failure had embittered the South against the North and the National Government, because they attributed the want of prosperity to the policy of the nation on the tariff and internal improvements, and finally to its threatening attitude toward slavery.

The up-country farmers were suffering as well as the planters. It was to be expected that they would accept the leadership of the planters in securing relief. The diagnosis of the case and the remedy were supplied to the masses of the people in the up country by the political leaders of the State. The up-country people had never become fully reconciled to the seaboard planters, because in point of wealth and culture their neighborhoods always remained behind those on the coast. The great inequality in wealth which existed on the coast and formed the basis of the aristocracy never was a characteristic of the up country, at least not in any such marked degree. This, taken in connection with the difference in tradition handed down from the past, was enough to keep

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alive a certain sectional feeling in the State. But it was no longer the free society of small farms and household manufactures of 1790 that was opposing the seaboard aristocracy. It was a younger, more democratic, slave society opposing the parent society with its grand old families, its aristocratic traditions, and its political power.

The representation in the convention of 1865 was the same as that which each district had in the lower house.[1] This tended to equalize representation somewhat, for the numerous small parishes on the seaboard each had a senator. The basis of representation was white population and taxation. In regard to taxation the facts are worth noting. It seems that the tax on land was assessed on an arbitrary classification and valuation made in 1815, according to which the tide swamp lands (not salt) were listed at $8 to $26 per acre; inland swamp land at $1 to $13; lands on the Sea Islands $4, and all the other lands were rated from $0.20 to $3, except lots in Charleston which were to be assessed at the actual market value.

The result of this classification and rating was that eight-seventeenths of all the taxes raised in the State were collected in Charleston. In 1856 the total State tax was $135,368.51, of which Charleston's share was $56,353.35. The tax on the low country amounted to $92,756.07, while the up country paid $42,612.44. These figures show to what a great extent Charleston was a center for the low-country planters. They retired to the city because of its greater healthfulness, and its social advantages. This left many parishes with a very small white population, in some cases so small that it cast only 50 votes. The plan of allowing each parish and district to have a senator resulted in great inequality. Some parishes whose population and taxation entitled them to barely one representative still elected a senator, while Edgefield district, which was allowed six members on that basis, was allowed but one senator. Many attempts had been made to have this unfairness in the representation corrected, but the low country always opposed it. Governor Perry in his address to the convention in 1865 advised that each judicial district be allowed one senator and Charleston two and that the remaining senators be assigned to the districts in proportion to the represent-

[1] Charleston Courier, August 30, 1865.

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ative population and taxation. In regard to the right of suffrage he said that the freehold and taxpaying qualification provided for in the constitution of 1790 had been abolished in 1810. So far as the freedmen were concerned they ought not to be allowed to vote, since if they were permitted to vote the political power would be thrown into the hands of the ex-slave owners, who would take their 200 or 300 negroes to the polls and have them record their masters' wishes.

There were several plans proposed to do away with parish representation. According to one of these plans each judicial district was to be considered an election district and be entitled to one senator. The house was to be composed of 124 members, distributed among the districts according to white population and taxation, but no district was to have more than one-twelfth of the number. The editor of the Charleston Courier was in favor of this plan. He said that the time of the rotten boroughs had passed in South Carolina as it had long since in England. Under the existing system there were parishes that had only from 70 to 100 voters and were represented in both houses. There was no excuse for the existence of such a system any longer.

In the discussions in the convention there was a marked feeling of hostility toward Charleston among the country representatives. Many a one had his fling against the men from the city. They were accused of working to increase the representation of the city and seeking to obtain all the offices for themselves and their city friends. Mr. Andrews submitted a plan whereby Charleston district was to be divided into three election districts.[1] This gave Charleston two senators and the district outside of the city, to be known as Washington district, three. This plan was adopted. The scheme of making population and taxation the basis of representation was favored because it had long been in use and was a sensible and conservative plan. It tended to keep down the old feeling of hostility between the sections.[2] Some suggestions were indeed made to count the negroes in the apportionment of representation, providing this should not be construed as entitling them to the rights of suffrage. This idea was championed by Mr. Thompson of St. Helena, who said that the

[1] Charleston Courier, September 25, 1865.
[2] Ibid., September 28, 1865.

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assertion that this should be a "white man's" government was prejudice unworthy of the convention. He said that the negro was taxed, he had political rights, and must obey the Government. On the one hand it was proposed to destroy the parish system of representation because of its unfairness; on the other hand they were perpetuating an injustice by not counting the negro in fixing representation. This practice could not be defended in the face of the fact that the representation in Congress was determined by counting the negroes. Mr. Orr, however, wanted the word "white" to remain in the constitution. He claimed that the time had not arrived for granting political privileges to the negroes. The negro was not ready for them. Some of the Charleston negroes had petitioned the convention to grant them equal political rights, but their petition was not presented.[1]

The conservative plan prevailed in the convention. The Charleston delegation was increased and the representation of the parishes was cut down somewhat.

There were a large number of colored delegates in the convention of 1868, but there is no indication in the votes recorded that there was any tendency to split on the color question, or on the old sectional one. The representation was to be based on population and the number of members of the house was to remain 124. The senate was to consist of 1 senator from each of the 36 districts, excepting Charleston, which was to send 2. This of course gave the low country the advantage. The handful of whites in that region were in a position to dominate the politics of the State in somewhat the same way as they had formerly done. Unfortunately the negroes, backed up by the army and the carpet-bagger element, got control of the State and continued in power until 1876. This was a calamity not less destructive than the terrible war itself. What little accumulated wealth had survived the ravages of the war was swallowed up in the wholesale corruption and extravagance of the State government. At length the whites rallied about Wade Hampton, and in the campaign of 1876 they elected the Democratic ticket. This campaign, though unfortunate in its effects on the political conscience of the people, nevertheless had its less serious and even positively ludicrous side. The white voters were organized in militia

[1] Charleston Courier, September 26, 1865.

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companies and fully equipped and commanded by regular officers. They marched in large divisions through every county with drums beating and colors flying. There was no lack of cannonading, firing of musketry, and clatter of cavalry troops. In the speeches mysterious hints were thrown out concerning the terrible consequences that would ensue if the negroes appeared at the polls on election day. This scare had the intended effect. The negroes stayed at home on election day, and the result was an overwhelming Democratic victory. In this picturesque campaign the whites regained their control and have kept it ever since. The clash then came between the old line confederates and the populistic element in the up country, which had never exerted any real influence in the politics of the State. The old leaders had the advantage, however, because the representation in the party conventions was the same as that in the legislature. This gave the small white population, in the congested negro districts in the low country, a decided advantage. A nomination was practically equivalent to an election, for no self-respecting white man would vote against his party, and thereby endanger white supremacy. This weapon was used with telling effect, campaign after campaign. Finally the up-country leaders of the people's party found a solution of the difficulty in the system of primary elections that had been worked out in Pennsylvania, the State that had also originated the nominating convention. After a long struggle the system was established by law in 1888. Since then the real election is this primary election by the Democratic party. In that election only Democrats in good standing can vote, and of course that means practically the white people. In this contest the whites settle the political fight amongst themselves, and when the regular election takes place they present a solid front to the negro voters. The election thus becomes a mere affirmation of the results of the primary election. Even the United States Senators are nominated in this way, thereby practically electing them by popular vote. This has changed South Carolina from one of the most highly centralized and autocratic of States to one of the most Democratic. By the constitution of 1895 the negro vote has been practically eliminated. This was accomplished by requiring both an educational and property qualification for voters. The voter must

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possess $300 worth of property, and be able to read any section of the State constitution, or explain its meaning when read to him. This brief sketch of the politics in the State since the war must suffice for the present.

Chapter VI.—The Conclusion.

A few words remain to be said in conclusion. The thesis was fully outlined in the introductory chapter and in such form as to embrace the essential conclusions arrived at. That chapter was written after the study had been entirely completed. It was worked out bit by bit while the materials were being collected and sifted. It must, therefore, not be regarded as something set down at the outset to be proven, but rather as the final summing up of the impressions obtained from a study of the large mass of detailed facts, the essentials of which were woven as concisely and systematically as possible into this discussion. Comments, scattered through the text in connection with the evidence and where they could be best understood, were intended to supplement the opening statements. These need not be repeated here, but a few points remain to be enlarged upon.

It has sometimes been questioned as to whether "cattle raising" formed an intermediate stage between hunting and fishing and true agriculture in the development of civilization among primitive people. However that may be, it certainly was a distinct phase in the development of industries on the frontier of the Carolinas and of Georgia, as well as on the Western plains. The evidence presented clearly indicates that the four stages of development—that is, hunting and trapping, ranching, farming and planting, and manufacturing with the increase in the number and the size of the cities—were successively reached, and this is the natural order of succession. The attempts on the part of the promoters of the colony in England to change the order met with defeat at every trial. They sought to keep the early settlers from engaging in the ranching business; they attempted to force them to live in towns; they tried various means of forcing the growth of certain industries, as lace and wine making, before even agriculture was well established, but they were unsuccessful. The

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natural sequence in the development of industries and institutions was finally maintained in spite of powerful influences introduced to force an artificial growth thought to be more desirable or profitable.

We see that the physical environment has been a constant and potent factor in the development of institutions in South Carolina. It stamped itself on these institutions at the start, and such characteristics have remained to the present day. But it does not follow that this conclusion justifies a purely materialistic interpretation of history and of all human development. Such an interpretation would be one-sided in so far as we should be overlooking the other important factor, besides the environment, mentioned in the introduction as essential to the understanding of the growth of our institutions—that is to say, the people. Both factors are fundamental; both are equally primary. There is this difference: That the environment is passive and the people are active. The environment may be modified and even overcome in important particulars. The best illustration of this fact is seen in the marked changes introduced into the up country by the inventions which built up the cotton industry and cheapened and quickened transportation. By these achievements man overcame the natural obstacles that, until then, had prevented the plantation economy from spreading beyond its original home on the navigable waters near the sea to the vast and fertile uplands of the interior. The effect was the same as if a radical change in the natural environment had taken place. There is a limit to such changes, however. The climate, the nature of the soil, the lay of the land, and its elevation above the sea, the natural waterways, and many other primary facts of nature remain, though slight changes may be brought about in time. It is mostly factors of this sort that account for the appearance of the new industry of market gardening in some localities along the coast and its exclusion from other sections of the State. If this industry, to take a hypothetical case, should take the place of the extensive system of cultivation required in planting, no one could doubt that important political changes would follow. But, though everything else were favorable, natural obstacles alone would prevent such a change in the industries.

The people again are in themselves a complex of factors. Each individual is a distinct force taken alone. The individ-

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uals fall together into different ethnical and cultural groups, all of which have their peculiar influence. The entire population grouped together forms the society, which is a force in itself. It creates a complex of thoughts, ideas, and feelings, which constitutes the social environment by which the individual and groups of individuals are surrounded, which influences them and is influenced by them. The social environment is the product of man, but it is not uninfluenced by the physical environment. In fact at some points it is decidedly shaped by the surrounding physical conditions. For instance, it was the malarial climate and the necessity of working the swamps that led the first English immigrants to introduce negro slavery. The natural repugnance for the institution and for the African savages gradually wore off. When the plantation economy was once fully matured and the people realized that their whole system stood or fell with the institution of slavery, the maintenance of the institution became a principle of their morals and their politics. If the circumstances had been like those in New England after the Revolution, there is little doubt that the institution would have been gladly done away with here as there under the inspiration of the humanitarian doctrines of that time. For did we not see how often the coast planters expressed the fear in their political controversies, even after the Revolution, that some day the farmers of the up country would get control of the legislature and do away with slavery. Even after cotton planting had fastened the institution on that region, the property qualification of members of the legislature was increased; not only that, but the holding of ten or more slaves was made a necessary requisite. These very farmers, who could not be trusted with a majority in the legislature in 1790, lest they should do something to cripple the institution of slavery, became uncompromising defenders of the institution when they had become cotton planters twenty-five years later.

It is not difficult to show that the physical environment found expression in our institution. It is another thing to show how far they were shaped by these influences, and to what extent by social forces. The problem is made exceedingly difficult and intricate by the fact that there is a constant action and reaction of man on nature and nature on man, of

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society on the individual and of the individual on society. One can not be too cautious in distinguishing between the two factors, lest the emphasis be thrown too much on the one or the other. All attempts therefore, to seek the explanation of civilization in the physical environment alone, or in man or the race alone, must always lead to unsatisfactory results. Professor Ratzel's theory, according to which the State, or rather society, is conceived as being an organism and the territory as the soil in which it originated and grows, is far fetched. In one sense it is true that all life upon the earth is a product, resulting from the action of natural forces. For, if we accept the theory of evolution, all forms of plant and animal life must originally have started from the elements in the soil and the air, and natural forces acting upon these. There is a vast difference, however, between a group of these individual protoplasmic cells and the first human beings, and the difference is still greater when we compare them with man in historical times. Even if the difference should be only one of degree, that degree is so great that, with the appearance of man on the scene, we must reckon with an entirely new factor. The original protozoans were nearly as passive as matter itself. When by a process of evolution some of these forms had attained the estate of man, then passive organisms had become powerful active beings. In other words, it means the advent of highly developed physicic forces, which practically introduced a new factor into the process of evolution. But to say that from that moment the problem resolved itself into one of the great man or the great race is to go to the other extreme. It is true that all human achievements are the immediate product of man. It is through him and his institutions that all the factors work themselves out. In this sense man, so far as social evolution is concerned, is the active factor and physical nature the fixed condition with which he must reckon. This being the case, there is an opportunity for men of great ability to influence powerfully the trend of events. The process is no longer one purely of the play of physical or material forces.

But the great man influences his times, not so much by directly impressing the minds of his fellows as by controlling certain powerful physical or social forces.

The opposite interpretation of history is often met with.

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For example, one gets the impression, from reading most of the accounts of Calhoun and his times, that he was a mistaken political genius who inaugurated the nullification and secession movements by his metaphysical speculations on the nature of the Federal Union. In my opinion nothing could be farther from the truth. If the South had been as prosperous as the North from 1820 to 1860, if its future had been as promising, then the question of the real nature of the Federal Union might still have occupied the attention of our learned bodies. It might even have led to heated forensic battles between the champions of the opposing theories, but the people would not have concerned themselves about the matter. In short, it would have remained an academic question. But when the Southern people saw that they were going down hill industrially, and falling behind in population and wealth, when they became aware that the entire plantation economy stood at the mercy of a majority in Congress, a clamor arose against the National Government. They looked to their leaders for a diagnosis of their ills, and demanded a remedy. It was not the first time that the disaffected minority had threatened nullification and secession. We noticed that even within the State of South Carolina the differences between the slave and the free sections had come to such a pass at one time that the planters talked of withdrawing if the farmers should get control of the legislature. Any number of instances might be cited showing that States and groups of States made general threats of this sort when their interests suffered or were thought to suffer because of some policy of the National Government.

The real or supposed interests of a people are the mainsprings of their social action, and will be increasingly so with the increase of intelligence and insight into passing events. An idea, pure and simple, rarely has such a power. There is generally something back of it which touches the people or their institutions at some vital point, that explains its power of moving great numbers to act. This applies, of course, to rational social action only. Social "storms," based on purely sentimental considerations, are frequent enough, but these are more or less abnormal, and do not explain the every-day events even of the most emotional of nations.

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XII.—MILITARY GOVERNMENT OF SOUTHERN TERRITORY, 1861–1865.

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MILITARY GOVERNMENT OF SOUTHERN TERRITORY, 1861-1865.

By A. H. CARPENTER, A. M., Harvard University.

When the civil war broke out, the Government of the United States found itself confronted with many and perplexing questions. Treason had penetrated into every branch of the Administration, and from Government resources made preparation for the coming rebellion. A large number of the States were already in arms, preparing to fight for what they considered their rights. Still others were wavering in their allegiance, for they were slaveholding communities, and thus bound in sympathy with the great Southern institution. Adjoining these States were others which, though not holding negro slavery, were closely connected, at least in certain sections, with the South by ties of relationship and commerce. Besides all this, the seat of the Government was in the midst of slave territory, and thus cut off from the sources from which it must draw its defense. The Government had not only to raise troops to suppress the coming storm, but it must also make sure of its communications with the North; elements of treason in the border States must be held in check and suppressed in order that its power might act as a unit, and finally the slave States which had not as yet joined in the rebellion must be kept to the side of the Union.

As a means to the accomplishment of these ends, military government was put in force and exercised to a limited degree throughout the North,[1] while the border States came under its complete control. The latter may, for our purposes, be considered Southern territory. Here, then, was instituted the first military government of the civil war, an institution which spread and developed as the territory of the Southern States was reclaimed from rebellion.

[1] In the North military government took the form of suspension of habeas corpus and arbitrary arrest. See Official Records of the Rebellion, Series II, vols. 1 and 2. (Published by the United States Government.) Hereafter referred to as O. R. R.

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Before tracing the outlines of this government and examining the functions that it exercised, it is necessary that we get some idea of what military government is.

I.

Both definition and explanation become necessary, for the reason that this institution is commonly regarded as something unreasonable, tyrannical, and without just foundation. Military government may be roughly defined as that which is exercised by military officers, or by men with military powers, over hostile territory. It has been asserted that such government could only be put in force over foreign territory, but this limitation is obviously absurd, and "hostile" applies to a country in rebellion as well as to that which is foreign. Civil war confers the same rights as a foreign conflict, so at least it was held by the Supreme Court in the "prize cases."[1] This is further brought out in the decision rendered in the case of Tyler *v.* Defrees, which says: "We do not believe that the Congress of the United States, to which is confided all the great powers essential to a perpetual union, the power to make war, to suppress insurrection, to levy taxes, to make rules concerning captures on land and sea, is deprived of these powers when the necessity for their exercise is called out by domestic insurrection and internal civil war; when States, forgetting their constitutional obligations, make war against the nation and confederate together for its destruction."[2] There is also a kind of military government which is not enforced over hostile territory at all, such as that which holds sway upon military reservations and posts and within the Army itself; but for our purpose this may be largely disregarded.

Further examination shows that it has a constitutional and legal basis, and that it draws its life from the Constitution, military and martial law, and the acts of Congress. In the first certain war powers are given to the President and to Congress, and by implication, as a means of carrying these out, military government is thereby sanctioned. The President is made the Chief Executive, the Commander in Chief of the Army, and has the duty of defending the Constitution. In order that the

[1] 2 Black, 636.
[2] 1 Whiting, 262.

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last should be upheld, he may be forced to make use of this institution. Again, the Constitution provides for the suspension of the writ of habeas corpus, which in itself establishes a form of military government. As a means of providing for the common defense and general welfare, of guaranteeing a republican form of government, and seeing that the citizens of one State have their rights in another, military government may become necessary and often the only means of accomplishing these ends. The powers of the President as military commander are little, if at all, prescribed by the Constitution, and their scope and intention are not given in precise terms. He only makes use of these powers when the land and naval forces are called into the field, but on the other hand the laws of war, which alone could check his power, plainly establish his right to erect such governments and maintain them by force of arms.[1] Their constitutionality have been upheld by the Supreme Court in the case of Cross *v.* Harrison.[2]

Besides the Constitution we have military and martial law, the latter being the broader term and corresponding to the common law in that it is a collection of unwritten customs and principles, "regulating the rights, liabilities, and duties, and the social, municipal, and international relations in time of war of all persons, whether neutral or belligerent."[3] Birkhimer says that "Martial law is that rule which is established when civil authority in the community is made subordinate to military, either in repelling invasion or when the ordinary administration of the laws fail to secure the proper objects of government."[4] Thus it is based upon the necessities of war, is associated with the suspension of habeas corpus, and applies not only to belligerents, but also to neutrals. Hence the ordinary constitutional rights are subordinated to this law, and the result may be the suspension of the freedom of the press and of speech, the trial of men without jury, and the taking of property without due process of law.[5]

Along with this should be placed military law, which includes the Articles of War, enactments relating to discipline, army regulations, general and special orders of military commanders.

[1] William Whiting, Military Government of Hostile Territory, pp. 19-20 (Boston, 1864).
[2] This case grew out of military government of California. See 16 How., 164.
[3] William Whiting, War Powers under the Constitution, p. 166 (Boston, 1871).
[4] W. Birkhimer, Military Government and Martial Law, p. 291 (Washington, 1892).
[5] William Whiting, War Powers, etc., pp. 59-60.

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The first are for the enforcement of discipline and the criminal administration of the Army, which includes civilian followers. Among other enactments are those regulating general courts-martial and the jurisdiction of the same. Then, too, Congress has passed certain statutes providing for the use of the Army in times of insurrection, has established military reservations, and in two well-known instances put in force military government pure and simple, i. e., in California and New Mexico.

The government thus established expects and enforces obedience to itself. The allegiance of the inhabitants is owed to it, and all former relationships are done away with or suspended, and the conqueror's will becomes supreme over the occupied territory. All its laws and regulations may be swept away, but as a general rule the municipal law is retained, so far as it does not hinder the objects of the war. This practice is upheld by international law and by the United States Army Regulations, paragraph 6—"All civil and penal law shall continue to take their usual course in the enemy's places and territories unless interrupted or stopped by order of the occupying military power."[1] The same is further shown in a decision of the Supreme Court in the case of Ketchum *v.* Buckley: "It is settled by law that the same general form of government and same general law for the administration of justice and the protection of private rights which has existed in the States previously in rebellion remained during its continuance and afterwards."[2] Thus we find that the military courts in the South were governed by the rules of evidence and the laws of the State in which they acted.[3] Consequently military government loses much of its arbitrary character, which at first sight appears so prominent. This idea is increased when it is remembered that the officers in command were subject to higher commanders and to the President, which meant that each was responsible to a higher power.

Having thus obtained a brief idea of what military government is, we must next pass to a survey of the extent and working of the same. As already pointed out, this institution was first established in the border States—Maryland, Kentucky,

[1] Birkhimer, Military Government and Martial Law, p. 93.
[2] 99 U. S. Reports, p. 390.
[3] Birkhimer, Military Government and Martial Law, p. 390.

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and Missouri—which still supported the Constitution and were still members of the Union. Nevertheless they were put under a form of military government which differed but little from that which was established in the South as parts of its territory were reconquered. The southern parts of Ohio, Indiana, and Illinois were also touched by it in the form of military commissions which superseded to a certain extent the civil courts.[1]

II.

The first step toward the establisnment of such government was the declaration of martial law and the suspension of the writ of habeas corpus.[2] April 29, 1861, the President suspended the writ between Washington and Philadelphia, thus bringing Maryland under military rule. This action was taken apparently for the purpose of protecting the communications with the North, and it is interesting to note that the Federal Government for the first time in its history so acted. A conflict with the courts at once arose in the case of Merryman, of Maryland, who had been arrested by military authority. A writ was issued by Supreme Court Justice Taney, calling upon General Cadwallader to deliver the prisoner to the court. This was refused, and the question came before the President, who asked the opinion of the Attorney-General. The latter upheld the power of the Chief Executive to declare martial law and suspend the writ. A similar case arose in St. Louis, Mo., where Emmett McDonald was arrested during May and held in spite of habeas corpus.

December 2, 1861, Lincoln authorized General Halleck to declare martial law in Missouri,[3] which may have been done to prevent strife with the courts, and also because necessity demanded it. On September 24 of the following year the President suspended habeas corpus in the District of Columbia and other parts of the country for men who were rebels, insurgents, aiders or abettors of the same in the United States, those discouraging enlistments, resisting the draft,

[1] The trial by military courts of citizens in States where civil courts were still open was condemned and overthrown in case of Ex parte Milligan. See 4 Wall., 2.

[2] Lincoln defended suspension of habeas corpus in various letters. See Lincoln's Works, v. 2, pp. 345, 360 (N. Y., 1894).

[3] Ibid., v, 2, p. 541.

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guilty of disloyal practices (a very general term), giving aid or comfort to the enemy—all these were subject to martial law and liable to trial by court-martial or military commission.[1] September 15, 1863, another proclamation was issued which applied to the whole country, including not only the border and Southern States, but the North as well. As late as July 5, 1864, a special proclamation was put forth relating to the suspension in Kentucky. All such legislation was purely a national affair, but it is by no means the whole of what was done in this line, for the commanders issued supplementary proclamations, sometimes to carry out the national ones and sometimes for the special conditions of their own departments.

Alongside of martial law, and in part growing out of it, there developed an extensive system of arrests, which was used freely in the border States throughout the war. The extent to which they suffered in this may be judged from the fact that out of 175 persons arrested and confined in Fort Lafayette between July and October of 1861, 40 were from Maryland and 16 from Kentucky,[2] including judges, members of legislatures, and editors of newspapers. In the beginning the power of arrest was exercised by the State Department alone, and then concurrently with the War Department, and finally by the latter exclusively.

At first men were arrested with no other authority than an order from Washington, but as the war went on a special machinery was developed which penetrated into all parts. Thus, by an order of August 8, 1862, Stanton said that United States marshals, superintendents, and chiefs of police of any town, city, or district were to arrest any person who discourages enlistments or indulges in any other disloyal practice. Immediate report of all such arrests were to be made to the Judge-Advocate-General, in order that those arrested might be tried by military commission.[3] Another step was taken to supplement this when the President, on September 26, authorized the appointment of a Provost-Marshal-General, with office at Washington, and one or more provost-marshals in each State, who received instructions from and reported to the Provost-

[1] Lincoln's Works, v, 2, p. 239.
[2] Annual Encyclopedia, 1861, p. 361.
[3] Ingersoll, Executive Arrests, p. v (Phil., 1862).

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Marshal-General. These men were to arrest all disloyal persons upon a warrant of the Judge-Advocate-General, and were to inquire into and report treasonable practices. They were given the power to employ citizens, constables, sheriffs, police officers, and, if necessary, could call upon the nearest military force to help them in their operations.[1] The prisons finally became so filled with political prisoners that Lincoln appointed a special commission, consisting of General Dix and Hon. Edwards Pierrepont, of New York, to investigate these cases, and, where necessary, release the prisoners.[2] This is another curious bit of machinery, half military and half civil in character.

With this summary of martial law, the foundation of military government, and of arbitrary arrest, its first work, we pass to the further development of the system.

III.

Immediately after the attack upon the Federal troops in their march through Baltimore, Butler was appointed to the command of the city and its neighborhood. Here it should be noted that, outside of the politicians and a few of the southern counties, the State was strongly for the Union.[3] As this territory was under martial law by the proclamation of April 29, the commanders had full power to act as they thought best, and General Banks, upon taking command, appointed a provost-marshal for the State, and made all police officers subordinate to him. The result was that the police commissioners of Baltimore ordered the disbandment of the force. As the functions of this board had already been suspended by military order, they were arrested and a new force of 400 men established.[4] This was followed on September 12 by an order for the arrest of members of the legislature who were suspected of sympathy with the South. General Dix says that three-fourths of this body were known to be for secession, and to prevent bloodshed the general ordered their arrest. In fact, upon taking command, immediately after Bull

[1] B. R. Curtis and G. P. Lowrey, Executive Power, p. vii (N. Y., 1863).

[2] Lincoln's Works, v. 2, p. 127.

[3] Lalor, Encyclopedia of Political Science, Political Economy, and United States History, v. 2, p. 814 (Chicago, 1884).

[4] Annual Encyclopedia, 1861, p. 58–59.

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Run, the same commander found that open sympathy was being expressed in Baltimore for the South, and the rebel flag was being carried upon the streets.[1]

The question of arresting the legislature had come up the preceding spring, and we find Lincoln writing to Scott as follows:

> I therefore conclude that it is only left to the commanding general to watch and wait their action, which, if it shall be to arm their people against the United States, he is to adopt the most prompt and efficient means to counteract, even, if necessary, to the bombardment of their cities, and, in the extremest necessity, the suspension of the writ of habeas corpus.[2]

This order is interesting, for it was issued before the regular proclamation and foreshadowed the coming policy of delegating such authority to others, and especially in leaving it to the military commanders as a matter of discretion.

In 1863 the whole State was put under martial law, certain clubs were closed because they were known to have Southern members, and a careful search was made for arms. An invasion of the Commonwealth furnished a reason for this action. November 9, 1864, the former slaves were put under military jurisdiction and a Freedman's Bureau established, because the ancient slave code was being used to keep the negroes in bondage. Here it should be noted that this was entirely beyond the jurisdiction of the military commanders, for the emancipation proclamation did not apply to Maryland, and hence it was a matter for State control and action. A clause of the State constitution, adopted in October, had provided for abolition, and hence it was the State authorities who should have acted. This was not the first case of army interference with the negro question in Maryland, for in 1862 a William H. Offutt, who had recovered a slave by legal process, was arrested on the ground that the negro was under military protection. We also find a system of fines and taxes levied upon rebel sympathizers of Maryland for the support of the poor and needy,[3] and those confiscations were remembered with great bitterness.[4] The courts do not seem to have been interfered with and internal administration was left alone, except in the cases mentioned.

[1] John A. Dix, Memoirs, v. 2, p. 25, 32; edited by Morgan Dix (N. Y., 1883).
[2] Lincoln's Works, v. 2, p. 38.
[3] For example of such an order, O. R. R., s. 1, Pt. II, v. 43, p. 587.
[4] Lalor, Encyclopedia, v. 2, p. 815.

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Turning from Maryland to Missouri, we find greater supervision exercised by the commanders. On the last day of July, 1861, General Pope gave orders that every county seat and town of any size in northern Missouri should be visited by a military force, and in each a committee of public safety was to be appointed. These persons were to be selected from all parties, and must have social, domestic, and pecuniary interests at stake. These committees were to be limited to five persons, and no one appointed could decline or fail to perform his duties, under such penalties as the general might fix. The bodies thus established were to maintain peace and order in their respective communities, and to them was given the power to call out the citizens to aid in these objects. All people who refused such a call were turned over to the military authorities, and if any county should not be able or willing to enforce the peace the military forces were to perform the service at the expense of the county.[1]

August 31, 1861, General Frémont declared martial law in the following terms:

> Circumstances, in my judgment, of sufficient urgency render it necessary that the commanding general of this department should assume the administrative powers of the State. * * * The object of this declaration is to place in the hands of the military authorities the power to give instant effect to the existing laws and to supply such deficiencies as the condition of the war demands.[2]

This was issued apparently without any direct authority from the President, and is a good illustration of such legislation. It clearly shows the reason why martial law is established, and further says that the ordinary tribunals are to continue and the law is to be administered by civil officers so far as they can peaceably exercise their functions, but in all cases it is the military commander who becomes the final judge. Frémont went further and declared the slaves free, but this Lincoln revoked. On January 9, 1862, the provost-marshal ordered all newspapers in Missouri, St. Louis excepted, to furnish him a daily copy for inspection, upon pain of having their papers suppressed.[3] Thus was the most strict censorship of the press undertaken. People were forbidden to move out of the country without a permit, ministers of the gospel

[1] O. R. R., s. II, v. 1, p. 195.
[2] Annual Encyclopedia, 1861, p. 491.
[3] Ibid., 1862, p. 590.

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were interfered with, and property of all sorts was confiscated. Elections were carefully regulated, labor legislation was instituted, and the loyalty of boards of trade, railroad directors, and members of library boards was called in question, all of which will be treated more fully at another time.

In Kentucky much the same things were undertaken, especially as regards elections and the looking after the loyalty of the people. Arrests were carried to great lengths here in 1864, when both civil and judicial officers, including the lieutenant-governor, the chief justice, together with the delegates to the Chicago convention, were placed in confinement.[1] In the other States which adjoined these, military rule rested more lightly, and was concerned chiefly with questions of loyalty.

Thus, at Cincinnati, Ohio, April 13, 1863, General Burnside issued the following order:

> The commanding general publishes for the information of all concerned that hereafter all persons found within our lines who commit acts for the benefit of the enemies of our country will be treated as spies or traitors, and, if convicted, will suffer death.

This order was made to include carriers of secret mails, writers of letters thus carried, recruiting officers, men who have entered into an agreement to join the enemy, persons within the lines who could give private information to the enemy, and all people who in any way aided the enemies of our country.

> The habit of declaring sympathy for the enemy will not be allowed in this department. * * * It is distinctly understood that treason, expressed or implied, will not be tolerated in this department.[2]

This was followed by another order which said that the publication and circulation of books containing sentiments of a disloyal tendency came clearly within the reach of the above order.[3] In these commands treason is defined with great care, and the inner thoughts of men were brought under the supervision of the military commander, who became the sole judge of the words, thoughts, and actions of the people.

[1] Annual Encyclopedia, 1864, p. 423.
[2] O. R. R., s. I, pt. 2, v. 23, p. 287.
[3] Ibid., p. 382.

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In May of this same year Vallandigham, a member of Congress, was arrested at Mount Vernon, Ohio, for a political speech which had criticised the course of the Administration. He was taken from his home by night, hurried to the military headquarters, and tried and condemned by a military commission. The sentence of the court was modified by the President to banishment from the Union, and the member of Congress was sent South to be with his friends. This trial, it should be remembered, took place in a State in which the courts were still open, and it was undoubtedly the limit to which military government went; but the doctrine thus established was later overthrown by the Supreme Court in the Milligan case of 1866.[1]

Passing from the border States to the South, we find military government reaching its highest development. Here it became an instrument of war to hold in subjection conquered territory. Military commanders exercised large governing powers, each in his own district, without much reference to others, except as the President or higher officers might insist upon similar measures. This, however, does not mean that their legislation was widely different, for it was not, due to the fact that each had much the same problems to solve; hence there resulted a great similarity. Much of the government thus formed was local and municipal, the best examples of which were New Orleans and Memphis. Such was bound to be the case, owing to the fact that the amount of territory held was constantly varying with the movements of the armies. The legislation of the commanders, however, went far beyond municipal regulations.

Still another form of military government was to be seen in the appointment of military governors, a term which up to that time was entirely new to both State and national laws. These men were generally selected from civil life, given a military title and powers, and put at the head of a State. Thus, March 3, 1862, Lincoln commissioned Andrew Johnson to be military governor of Tennessee. This followed soon after the troops had gained a foothold there, and at a time when a large part of the State was in the hands of the rebels. John S. Phelps was appointed to a similar office in Arkansas,

[1] 1 Wall., 2.

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and May 2 Edward Stanley was in like manner sent to North Carolina. Instructions were given to these men by the Secretary of War, thus showing their military character, and the object of their appointment is well expressed in those given to Stanley:

> The great purpose of your appointment is to re-establish the authority of the Federal Government in the State of North Carolina, and to provide the means of maintaining the peace and security to the loyal inhabitants of that State until they shall be able to establish a civil government.[1]

Governor Stanley, on reaching his post, made a speech in which he urged the people to return to their allegiance. He ordered to be closed the colored schools which had been opened, as being contrary to the laws of the State, but outside of this little or nothing was done. The same may be said of Arkansas. The failure to accomplish much in these States was due to the constantly shifting character of their territory. In Arkansas a convention was called to revise the constitution, and January 12, 1865, regular officers were inaugurated. Ignorant of this, Lincoln ordered General Steele to hold an election, and on learning the condition of affairs he gave that officer discretionary powers to do as he liked. The result was that the commander held another election, and the governor thus elected was put in office. This would seem to show that it was the military man pure and simple that was the supreme power.

In 1862 George F. Shepley was appointed military governor of Louisiana, with the rank of brigadier-general, which was the title generally given to these men. Here, as in other places, little was accomplished in the way of State government till late in the war. As late as the spring of 1864 General Banks said that "the city of New Orleans is in reality the State of Louisiana," and it was only by force of arms that the United States kept control over a circumscribed territory. In spite of this fact, the same commander, on January 11, 1864, ordered an election to be held for governor and other State officers. In his election order he said:

> Those who have exercised or are entitled to the rights of citizens of the United States will be required to participate in the measures necessary for the re-establishment of civil government * * * Indifference will be treated as a crime and faction as treason.[2]

[1] E. G. Scott, Reconstruction during the Civil War, p. 323 (Boston, 1895).
[2] Ibid., p. 353.

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Here it is clearly evident that no one was to be allowed to stay at home on election day on pain of being declared a criminal, while difference of opinion would be treated as treason.

It was in Tennessee that the institution of military governor was most successful. As already pointed out, Johnson was appointed there in 1862; but it was not till 1864 that the State was sufficiently cleared of rebels to permit of efforts at restoration. However, the military governor had put in force many legislative and executive acts. Ordinarily it was supposed that he would be governed by the laws of the State and only in extraordinary cases make use of his military power. The necessities of the occasion seem to have demanded more of the latter than the former. Johnson put the pulpit and press under military supervision; made ministers, teachers, school officials, and citizens take the oath of allegiance; levied contributions upon the rich for the benefit of the poor; laid taxes, raised troops, and issued military proclamations; took possession of the railroads, and built others for military purposes; and finally appointed officers to various positions. Some doubt was raised as to the ability of the military governor to act in political matters, and in order to remove all such obstacles, Lincoln issued a commission, September 19, 1863, giving Johnson the power to exercise all the rights necessary for the formation of a government. In September, 1864, the governor ordered elections to be held where possible, and elsewhere he would appoint the necessary officials. This government continued till the State was recognized by Congress and taken back into the Union. Its legality has been upheld both by the supreme court of Tennessee and by a constitutional convention.

Still another side of military government is seen in the sending of Treasury agents into the South, whose duty it was to secure cotton and other products of the soil within the lines of the army, which could be called upon to help them in their operations. Closely connected with them was the regulation of trade and commerce with the South, which was the economic side of the military government and was exercised from Washington, thus superseding the commanders. The latter, however, legislated along the same lines upon cases not touched by the general circulars, or in order to carry out the general instructions in reference to particular conditions.

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Alongside of this system should be noted another, viz, the case of the freedmen.

These people during the earlier part of the war flocked into the camps, expecting the soldiers to take care of them. The able-bodied were followed by crowds of children and aged persons, who looked to the army for food and protection. As contraband of war they were employed in army operations during the first years of the struggle, and then the attempt was made to employ them upon abandoned or confiscated plantations, but the efforts failed through the rapacity of the agents in charge.[1] In South Carolina they were permitted to settle upon lands about to be sold for taxes, not more than 20 acres being given to each head of a family.[2] The next step was to form them into large camps, where they were supplied with rations and forced to work. The number of slaves thus brought under the Government control steadily increased until the emancipation proclamation and the close of the war brought some 3,000,000 under its charge. The War Department had oversight of this class till 1864, when they passed to the care of the Treasury. The first Freedman's Bureau bill of March 3, 1865, established a bureau of abandoned lands, refugees, and freedmen as a division of the Department of War. Under the charge of General Howard and other army officers the work was carried on for many years after the close of the rebellion. Throughout the whole course of the war we find army officers legislating regarding the negroes. Thus, General Sherman, after his march to the sea, established 40,000 destitute freedmen upon the sea islands, and by that act gave them homes in the richest district of the South. The experiment seemed to prove successful, for we find them setting up a form of government, which, of course, caused trouble when the war was over and the former owners returned.

Having thus briefly outlined military government, we will pass to a consideration of the functions and powers exercised by it. These were along the line of appointment and removal, management of elections, regulation of the courts, military commissions, church affairs, and measures taken for trade, labor, and finance.

[1] Lalor, Cyclopedia, v. 2, p. 280.

[2] F. Moore, Rebellion Record, v. 8, p. 2 (N. Y., 1861-1868).

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IV.

The executive power of appointment and removal of officers was used extensively throughout the war. Officials were removed for using treasonable language, taking the oath to the Confederacy, refusal to take the oath of allegiance, and thwarting the will of the commanders. Not only were public officials of high and low degree thus removed, but even those who were connected with semi public or private concerns were looked after. In St. Louis General Halleck ordered that the president, secretary, librarian, directors, and other officers of the Mercantile Library Association; president, secretary, and directors of the Chamber of Commerce should resign if they failed to take the oath, and any attempt to exercise their office was to be severely punished.[1] The officers and professors of the State University were put under similar interdict.[2] Mayors of cities, State officials, as well as judges and clerks of courts, were removed and others appointed in their places. Thus, in Tennessee, December 4, 1862, the clerk of the Henderson County court was removed for treasonable language, participated in by his wife and daughters.[3] Even where officials were not removed, they were strictly subordinate to the military commander, and it was by permission of the latter that they were allowed to hold their positions. Much if not all of the civil policy was dictated by army men, and hence these officials became little more than figureheads. Such action on the part of the commanders was not as arbitrary as it would seem, for it was to their advantage to retain the civil officials, so far as possible, and thus relieve themselves of extra responsibility. Consequently their removals in most cases were for just and sufficient cause.

This power was exercised not alone by the commanders, but also by the President, and both of these went even further and legislated to create new offices. Thus Lincoln established the institution of military governor, with extensive powers, and also the provisional court of Louisiana, with an entirely new jurisdiction. The officers of this court were appointed

[1] Moore, Rebellion Record, v. 4, p. 52.
[2] Ibid., p. 129.
[3] Ibid., v. 6, p. 233.

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in the North and then sent South to found the new institution. The commanders, on the other hand, created military commissions and courts-martial, and appointed various boards—e.g., those of finance, streets, and landings.[1] Military government not only legislated to create new offices, but it also became the sole judge of the eligibility of the officers elected and appointed. The attempt seems to have been made to use civilians as much as possible, but when suitable men of this sort could not be found, army officers were taken, and as a general rule they were persons of ability, who ruled justly. The chief appointments of the period were those in cities like Memphis, New Orleans, and Nashville, and along with these must be placed those made by the President and the military governors, especially Johnson in Tennessee.

Closely connected with officeholding is the matter of elections, which were supervised both in the border States and in the South by army officers. Thus, in Louisiana Brigadier-General Shepley, the military governor, was ordered by Secretary Stanton to hold an election. Registration of all loyal citizens in each parish was first to be taken, and after that an election for delegates to a convention to form a constitution and establish a civil government. The convention was to be based upon representation of 1 delegate to every 1,250 loyal citizens. Authority was also given to appoint the necessary officers to complete the registration, preside at the elections, count, and sort the ballots.[2] Again, we find Johnson, by a proclamation of January, 1865, confirming the persons selected by a convention of loyal people to hold an election. They were also authorized to hold such elections, which would seem to indicate that they could not have been held without permission, and the executive committee of each division was given the power to fill all vacancies.[3]

The most interesting side of election control is to be seen in the border States, whose constitutional rights were theoretically equal to the rest of the Union. At Henderson, Ky., July 28, 1863, an order was issued by which army officers were to see that none but loyal persons either acted as election judges or voted, and that no disloyal person was a candidate.[4]

[1] J. Parton, Butler in New Orleans, p. 453 (N. Y., 1864).
[2] O. R. R., s. I, Pt. I, Vol. 26, p. 695.
[3] Report of Joint Committee on Reconstruction, p. 9–13.
[4] Annual Encyclopedia, 1863, p. 568.

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Similar proclamations were issued in other parts of the State. By another order of July 29, county judges were to appoint the judges of elections, who must be Union men, and these officials must see that no person is placed upon the books as a candidate who is not a Union man. They were also ordered to administer the oath of allegiance to all voters.[1] A few days later the State was put under martial law on the ground that a rebel force was trying to influence the election. In this the commander stated his intention of not interfering with the election, and the civil authorities were not to be suspended by the order. Again, in July, 1865, the sheriff of Kenton County was ordered not to permit the name of Alvin Durell to appear upon the poll books.[2] All offenders under these commands were held for trial by military commissions, and the sentences were carried out by martial law. In Missouri, October 12, 1864, it was declared that voting contrary to orders is a military offense, as is also interference with elections. Here it was explained what the meaning of the State convention was when it said who should vote.[3] In this way the military became the judge and interpreter of the civil authorities and even of the laws themselves. In Maryland the provost-marshals were to assist the election judges in administering the oath of allegiance, and were to report all those failing to carry out the regulations.[4] Thus it was that the military authority became superior to the civil, and elections came largely under Government control.

V.

Judicial work formed no small part of military government and was carried out through courts-martial, military commissions, provost courts, and civil courts which were established by military authority or exercised their functions under its sanction. As has been already noted, courts-martial act generally upon purely military offenses in which soldiers are alone concerned. This is a court fully recognized in the Army Regulations and carries on its work in time of peace as well as in war. The military commission, on the other hand, arises

[1] O. R. R., s. I, Pt. II, v. 23, p. 570.
[2] Annual Encyclopedia, 1864, p. 453.
[3] O. R. R., s. I, Pt. III, v. 41, p. 804.
[4] Ibid, Pt. II, v. 41, p. 393.

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when the ordinary judiciary is overthrown, or in cases where civilians as well as military are involved. Such courts were first established by General Scott in Mexico, and during the civil war they were fully recognized by acts of Congress, orders of the President, and by rulings of the Supreme Court. These courts are constituted by the same authority as the court-martial, and are generally composed of from three to five members. Their decisions have to be approved by the commander, and their jurisdiction is generally limited to territories held under military government. Cognizance was taken of the violation of the laws of war, crimes and offenses recognized by local courts which were not open, and of all breaches of military orders and regulations. The procedure of such courts was the same as that of the court-martial, and its decisions were final; so held by the Supreme Court in the case of Ex parte Vallandigham.[1] The powers of this institution were practically unlimited, as is shown by the fact that fines varying from $90,000 to $250,000 were imposed by it.[2]

The extent of their jurisdiction may be best judged by enumerating some of the causes tried by them. These included unauthorized correspondence with the enemy, blockade running, carrying mail across the frontier, drawing bills of exchange, manufacturing arms for the enemy, publicly expressing sympathy for the South, violating oaths, aiding prisoners to escape, burning bridges, railroads, steamboats, and cutting military telegraph, engaging in guerrilla warfare, hindering enlistments, or aiding deserters. All these are closely connected with war and would necessarily come under a military court, at least in hostile territory, but these courts did not stop here. They dealt with fraud, embezzlement, bribery, breach of the peace, horse stealing, rape, arson, receiving stolen goods, riot, assault and battery, interfering with elections, and election frauds. In many of these no soldier was involved, and hence they became purely civil cases, but nevertheless military courts judged them.

Where civil courts still existed, supervision was exercised to a greater or less degree. Not only was this done, but military government went further and established new civil courts. Thus in Missouri the judicial officers are commanded

[1] 1 Wall., 243.

[2] William Winthrop, Abridg. of Military Law, p. 331–35 (N. Y., 1871).

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to strictly enforce the laws of St. Louis, and the criminal court is directed to see that there is a full list of grand jurors and that they inquire into all crimes.[1] In Louisiana during the same year the military governor established a complete system of courts based upon that which had previously existed. Limitation was put upon the judiciary regarding their right to entertain actions against Army and Navy officers, and all such cases were dismissed.[2]

In the towns and cities provost courts were founded which were military in character and had jurisdiction over both criminal and civil cases. They not only did the work of the ordinary police court, but also that of the lower State courts. In New Orleans a court of this sort rendered a judgment for $130,000,[3] and it also dealt with the administration and succession to estates, together with divorce.[4] These courts were in general governed by the laws of the State in which they were held.

One of the strangest features of all the judicial legislation of this period was the foundation of the provisional court of Louisiana. This was established by the President in an order of October 20, 1862, in which he said that the judiciary had been overthrown and that there was a necessity for some kind of a court. The order said:

> I have therefore thought it proper to appoint, and I do hereby constitute a provisional court which shall be a court of record for the State of Louisiana; and I hereby appoint Charles A. Peabody, of New York, to be a provisional judge to hold said court, with authority to hear, try, and determine all causes, civil and criminal, including causes in law, equity, revenue, and admiralty, and particularly all such powers and jurisdictions as belong to the district and circuit courts of the United States, conforming his proceedings so far as possible to the course of proceedings and practice which has been customary in the courts of the United States and Louisiana, * * * his judgment to be final and conclusive.[5]

As a judge, he was to have power to establish rules and regulations for the exercise of his own jurisdiction, and in addition he was given the power to appoint the prosecuting attorney, marshal, and clerk of the court, who were to perform their duties according to the rules given by him. The appointments

[1] General Orders, No. 39, Feb. 14, 1862. O. R. R., s. II, v. 1, p. 165.
[2] O. R. R., s. I, Pt. II, vol. 58, p. 1006.
[3] W. Birkhimer, Mil. Gov't & Mar. Law, p. 105.
[4] Annual Encyclopedia, 1863, p. 772.
[5] Ibid, pp. 770–775.

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were to continue during the pleasure of the President, but were not to last beyond the period of military occupation or the restoration of peace and civil authority. These men were paid by the War Department, which clearly shows their character. This order gave to Judge Peabody judicial power over all kinds of cases, and appeal, which in the nature of things would have been to the President, was forbidden by the order organizing the court. Thus it became the Alpha and Omega of justice for Louisiana.

The court sailed from New York with General Banks's expedition, and went into operation in January, 1863, being at once occupied with important business. So far as possible the laws in force in the State were adopted, but orders of the commanders were recognized as of paramount authority.[1] It was careful to avoid anything like a military administration of justice, and was always governed by the principles of law. In criminal cases a grand jury was summoned to procure an indictment and a regular jury to try the case. As an illustration of the speed with which the court acted, it may be noted that three capital cases were tried in one week, two of which resulted in conviction. Such an example might well be placed before some of the courts of the present day, where justice is often delayed for years. Crimes against the person had seldom been punished in that locality before, and a valuable lesson was thus taught, of which all law-abiding people approved. Before the court came many cases which had been previously tried in the provost court, whose arguments were oral, no notes being taken of the evidence, and the decision being given soon after the arguments were heard. This, of course, caused much difficulty, and yet the provisional court as a general rule sustained the decisions of the lower court, finding it easy to do so on strict legal principles. Such facts throw an interesting side light upon the efficiency of the provost court, which was presided over by a soldier. Prize cases were brought before the provisional court, but it refused to entertain them upon the ground that its jurisdiction was derived from the President and not from the Constitution. This was done in spite of the authority given to treat of such actions.

[1] Annual Encyclopedia, 1863, p. 771.

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VI.

Union of church and state has been vigorously opposed in this country, and many of the early inhabitants of America came hither as a protest against that system as it existed in Europe. The feeling against the union of the two institutions has been so strong that it has become incorporated in the Constitution, and is regarded as one of the tenets of true democracy. As already pointed out, however, ordinary rights give way in time of war, and consequently we find military government interfering with ecclesiastical matters and church management. Freedom of worship was curtailed, and ministers were told how they must act and how not. The greatest trouble arose in regard to prayers, which were omitted for President Lincoln and offered for Jefferson Davis, as president of the Confederacy. Such proceedings were at once stopped by the commanders. The Southern ministers got around this by omitting to read the prayers for the country and the President, and instead the people prayed in silence for the welfare of the South and the triumph of its cause. Another device was to omit prayers of all sorts at that point in the service. This was advised by Bishop Wilmer, of Alabama, whose action called forth an order from the officer in charge of that district, forbidding the ministers to preach or hold divine service, and at the same time closing their places of worship until they should show a sincere return to their allegiance.[1]

General Baker gives an instance of a church 25 miles from Washington where the minister had the key to the building and would not allow the loyal people to enter. The general went to the minister and forced him to unlock the door. Rebel sympathizers attempted to break up the meeting, with the result that they were arrested and conveyed to prison at Washington.[2] We find General Butler removing Rev. George D. Armstrong, a Presbyterian clergyman of Norfolk, and sending him into confinement at Fort Hatteras, N. C. This man had taken the oath of allegiance and had prayed for the President, but was not fully in sympathy with the United States.[3] In New Orleans the same general had a great deal

[1] T. B. Van Horn. General Thomas, p. 409 (N. Y., 1882).
[2] L. C. Baker, History of the Secret Service, p. 230 (Phil., 1867).
[3] G. H. Gordon, War Diary, p. 407 (Boston, 1882).

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of trouble with the churches. He found that they planned to celebrate a fast day in accordance with some proclamation of Jefferson Davis, and consequently at once ordered that no such fast should be held.[1]

In Mississippi we find permission given to a certain bishop to return to his home and duties till the pleasure of the War Department is known. The same order also permitted the people to conduct divine service as they pleased, saying that public prayer for the President of the United States was no longer necessary.[2] This shows that there had been very strict supervision previously, even going so far as to banish men who acted contrary to the wishes of the military. Johnson in Tennessee called the ministers before him and ordered them to take the oath, and on their refusal sent them to prison.[3] In St. Louis a Dr. McPheeters was removed from his church because he had a rebel wife, rebel relations, and expressed rebel sentiments. The matter was brought to the attention of Lincoln, who said that the general upon the spot must be the judge, but that the United States could not undertake to run the churches of the country.[4] Ministers in some cases were arrested in the midst of the service, taken to prison, and afterwards tried by military commission. An order of November 30, 1863, appears to have been issued from the War Department giving to Bishop Ames the control and possession of all Methodist churches in certain of the Southern States whose pastors had not been appointed by loyal bishops, and ordering the troops to help in the carrying out of these orders against all resistance.[5] The question was also involved in the disposition of church property, as between loyal and disloyal claimants, and consequently lasted till after the war.

Alongside of the freedom of the pulpit might be placed that of the press, which is apt to do a great deal of harm in time of war. After Fremont had declared martial law in Missouri the provost-marshal suppressed the War Bulletin and the Missourian, published at St. Louis, for making false statements about military movements.[6] The editors of

[1] O. R. B., s. I, v. 15, p. 426.
[2] Annual Encyclopedia, 1864, p. 549–551.
[3] Ibid., 1862, p. 767.
[4] Lincoln's Works, v. 2, p. 290.
[5] Ibid., p. 486.
[6] Annual Encyclopedia, 1861, p. 329.

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the Christian Advocate soon after this made inquiries as to what they would be permitted to print. The provost-marshal replied, advising them to refrain from publishing political articles and keep their paper a religious one, as it pretended to be.[1] May 11, 1863, General Davidson prohibited the sale or distribution at St. Louis of the New York Freeman's Journal and the Caucasian, the Columbus Crisis, Chicago Times, and the Dubuque Herald.[2] June 21, General Schenck forbade the editors of the Baltimore papers from publishing extracts from the New York World, Express, Caucasian, Cincinnati Inquirer, and the Chicago Times.[3] These may serve as examples of this power, which was exercised very widely, affecting papers both in the North and in the South.[4]

VII.

We now come to one of the most important phases of military government, viz, its economic legislation, which affected the very foundations of the society over which it ruled. The result of this work was a great mass of laws and regulations relating to trade, labor, and finance. The necessity for such legislation grew out of the fact that part of the country was under the control of an enemy with whom no trade could be allowed; in the second place, a slave race had been made free, and slave labor had been exchanged for free labor, a change which struck at the foundations of a society; and, third, a depreciated paper currency had been established in the South, which became the only medium of exchange. In order to prevent these elements of chaos from gaining the upper hand, military authority came in as the protector of the people.

The first regulations of trade were adopted by the Government at Washington, and dealt with intercourse with the South, out of which there grew an extensive system of Treasury rules and agents. Under this, special licenses were issued which gave the holder the right of trading in a limited district. The regulations in regard to cotton are well illustrated by General Orders, No. 61, issued at Murfreesboro, Tenn., March 29,

[1] Annual Encyclopedia, 1861, p. 328.

[2] Ibid. 1863, p. 423.

[3] Ibid., 1863, p. 424–425.

[4] There were suppressions in Maryland, District of Columbia, Kentucky, Missouri, Louisiana, Virginia, and Tennessee. See Annual Encyclopedia, 1864, p. 394.

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1863. All citizens desiring to purchase this staple must present ample vouchers of their loyalty to the United States, and in addition sign agreements that they will abide by the Treasury rules. After getting possession of the cotton, they had to forward to the Provost-Marshal-General a statement of the price paid, amount purchased, and the name of the seller. The party making the sale was only permitted to receive payment in full on presentation of proper evidence of loyalty, and until that was given not more than ten per cent of the contract price could be paid.[1]

Trade with the negroes was regulated in numerous orders.[2] Thus, no one could purchase clothing from laborers, or their property, without permission of the authorities; neither could liquor be sold to the colored people, on pain of fine.[3] No license, tax, or fee could be collected for engaging in certain occupations, and all transfers of property, real or personal, by persons not yet returned to their allegiance were declared to be null and void.[4] Under the regulation of trade came the control of the railroads, which were largely taken over by the Government. Consequently travel was supervised, and in many places a troublesome system of passes was put in force, which by no means increased the pleasure of travel. In Louisiana all appropriations for railroad material had to be approved by the military superintendent.[5]

The question of labor presented itself as soon as the troops moved South, for the contrabands flocked to the camps and were allowed to remain for the slight work they might do. After the emancipation proclamation steps were taken to establish rules for this large class of unemployed. August 10, 1863, camps were established at all military posts in the States where slavery had been abolished, into which the negroes were gathered under suitable officers, and rations were furnished them in return for labor. They could be hired to planters on promise that they would not be taken outside of military jurisdiction, and to insure the keeping of that promise bonds were demanded. These negroes were frequently employed upon public works, in gathering the crops

[1] O. R. R., s. I, Pt. II, v. 23, p. 189; also Pt. II, v. 47, p. 606.
[2] Moore, Rebellion Record, v. 8, pp. 370–372.
[3] Ibid., v. 8, p. 370–374.
[4] O. R. R., s. I, Pt. I, v. 15, p. 573.
[5] Ibid., Pt. II, v. 48, p. 777.

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from abandoned plantations, and in any other matters which were considered for the best interests of the department. Every colored person about the military posts had to be employed by some white, or else he was sent to the camps. Contracts might be made with the freedmen for their labor at so much per month, or persons might employ whole families, clothing, feeding, caring for the sick and infirm, and giving them in return for their services not less than one-twentieth of the crop. All such parties had to register with the provost-marshal, giving their names, occupation, residence, and the number of negroes to be employed. Bonds had also to be given for kind treatment, proper care, and as security against carrying them away.[1]

The commanders even went further in some cases and settled the hours of labor, wages, etc. Thus General Banks in Louisiana, February 3, 1864, ordered that the hours of labor in winter should be nine and in summer ten, for which they were to be paid at the rate of $3, $6, and $8 per month, half of the amount being reserved till the end of the year. The laborers were to be given a portion of the land to cultivate on their own account, and in all contracts of this sort the crops were to stand pledged for the labor. The negroes could choose their employers, but once chosen they must stay by them, and they could not pass from one place to another except in accordance with the rules of the provost-marshal. In conclusion, the general said: "These regulations are based upon the assumption that labor is a public duty and idleness or vagrancy a crime."[2] This order is typical, especially in holding the crops as a pledge for wages, the reservation of the latter till the end of the year, care of the sick and disabled, and the filing of lists of employed with the provost. This officer also settled all disputes that might arise over contracts, or between laborers and their employers.

Before leaving this subject we must notice the regulations put forth at St. Louis in 1861, in which the president and directors of railroads had to file bonds that they would employ only Union men.[3] It was further asserted that there existed combinations of persons to prevent mechanics and

[1] McPherson, Political Manual, 1868, p. 294 (Washington, 1868)
[2] Moore, Rebellion Record, v. 8, pp. 370–372.
[3] Ibid., v. 4, p. 129.

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laborers from working in manufacturing establishments except upon terms prescribed by outsiders. Consequently it was ordered that such persons should not attempt to prevent other people from working on such terms as they chose, especially in places manufacturing goods used in the navigation of Western waters or in transport service of the United States. No person was to hang about or annoy employees, nor was any association to dictate to the proprietors.[1] Here is legislation that might well be studied by those who seek to check the power of the modern labor union.

When military government first took up its task it was confronted with the question of finance, which demanded immediate attention. Butler, in taking possession of New Orleans, found that the banks were paying their debts in Confederate money and at the same time obliging those who owed them to pay in United States coin. He compelled the banks to pay no more Confederate currrency to creditors and depositors, and ordered that all deposits be paid in notes of the bank, United States Treasury notes, or in gold and silver. Private bankers were to receive and pay out only notes of city banks or United States currency. Savings banks were permitted to issue notes not to exceed one-third of their deposits and in denominations of not less than one dollar, for whose redemption their assets were made liable. Incorporated banks were permitted to issue notes in denominations from one to five dollars, notwithstanding anything to the contrary in their charters. All persons and firms who have issued "shinplasters" must redeem them on presentation at their places of business between the hours of 9 and 3, either in gold or silver, Treasury notes, or in the currency bills of the city banks, upon penalty of confiscation of their property or imprisonment at hard labor. Private banks were also allowed to issue notes in proportion to the specie that they could show in their vaults to a military commission.[2]

This was followed by an order which forbade bank notes being exchanged for rebel currency of any sort. Transfers of property made in consideration for such money were declared null and void, and the property was confiscated.[3] It was further decreed that dividends, interest coupons, and cer-

[1] O. R. R., s. I, Pt. III, v. 34, p. 345.
[2] O. R. R., s. I, v. 15, pp. 437–438.
[3] Ibid., p. 426.

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tificates of stock due to United States citizens and held back should be paid at once. All banks were compelled to make a statement at certain times to a board of finance, made up of military appointees.[1] Speculation in gold and silver with the South was forbidden, and no coin was allowed to pass beyond military jurisdiction. United States Treasury notes were declared legal tender, and refusal to take them resulted in arrest and seizure of crops.

Local taxes were enforced by the military, and in addition special taxes were laid upon certain classes. In New Orleans, Butler discovered a list of persons who had contributed to the support of the Confederacy, and at once levied upon them for the support of the poor.[2] Along with this went the sequestration of property of those who were engaged in rebellion. In Louisiana foreclosure of mortgages and forced sales were forbidden except where such action would be contrary to justice and equity. However, if taxes could not be paid, forced sales were permitted to satisfy the claim.[3] Not only did Butler display his abilities as a financier in New Orleans, but also in the Department of the James, where he raised a large civil fund by levying special taxes upon those carrying on a speculative trade[4] under permits. General Gordon, his successor in this field, also laid taxes, licenses, and fees for a similar fund. The extent to which finance was carried by the commanders undoubtedly reached its limit in Tennessee, where General Mitchel sold captured Confederate bonds to the rebels at a gain of some $5,000.[5]

VIII.

In the municipal as in other branches of government the military exerted a positive and a negative influence; it established and destroyed; it legislated and it vetoed. Along the positive side it founded courts, legislated regarding property, set up bureaus which had charge of different phases of city life, put in force a system of licenses, appointed officials, and established police forces. On the negative side it dis-

[1] O. R. R., s. I, v. 15, pp. 518, 527.

[2] $341,916.25 was thus raised. Parton: General Butler in New Orleans, pp. 310-311.

[3] O. R. R., s. I., Pt. II, v. 41, p. 801.

[4] Butler's Book, p. 843 (Boston, 1892).

[5] F. A. Mitchel: Ormsby Macknight Mitchel, chap. 13 (Boston, 1887).

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placed officials, set aside former regulations, disapproved the action of the civil authorities, and put a veto upon the newspapers. Such, in outline, is the work done by military government in the municipalities, some phases of which we will examine in more detail.

When this government was first established in the cities, public order was the thing demanding immediate attention. Consequently regulations were put forth for the police, defining their powers and seeing to the efficient working of the same. Frequently such bodies were completely reorganized as a military force, or else they were put under the control of a military officer.[1] As another aid to public order, provost and military courts were founded. Vagrants were forced to work upon the public highways, and restrictions were laid upon the citizens in regard to closing their social gatherings at a certain time,[2] a rule which was only strictly enforced when the enemy were near. Then there were a vast number of questions relating to loyalty, e. g., the carrying of the Confederate flag, insulting the Union flag and the officers and soldiers of the United States.

General Butler started his government of New Orleans with a proclamation asserting that he did not wish to interfere with the municipal authorities, but only to rule the military forces of the department and take cognizance of the offenses committed by or against them.[3] This policy he was not able to carry out. The streets were not cleaned as they should have been, and so he compelled the authorities to employ 2,000 men with the proper instruments for thirty days, each man to receive 50 cents per day, and skilled labor to be paid at a higher rate.[4] The work was done most effectively under the direction of a military superintendent, and the people were forced to acknowledge that "the Federals could clean the streets, if they couldn't do anything else."[5] Butler had a great deal of trouble with the foreigners of New Orleans, who were largely in sympathy with the South.[6] He was forced to

[1] O. R. R., s. I., Pt. II, v. 17, pp. 294-295.
[2] Ibid., p. 295.
[3] Parton: General Butler in New Orleans, p. 295.
[4] Ibid., pp. 317-318.
[5] Ibid., p. 309.
[6] In one case Butler seized a sum of money in office of consul of Netherlands. See Annual Encyclopedia, 1862, p. 647.

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use rather vigorous measures against them, with the results that many complaints were made to the United States Government by foreign representatives.

The greatest trouble here as elsewhere was with the women. This class finally acted so outrageously that the general was forced to issue the following order:

> As officers and soldiers of the United States have been subjected to repeated insults from the women (calling themselves ladies) of New Orleans in return for the most scrupulous noninterference and courtesy on our part, it is ordered that hereafter when a female shall by word, or gesture, or movement insult or show contempt for any officer or soldier of the United States she shall be regarded and held liable to be treated as a woman of the town plying her vocation.[1]

It is needless to say that the soldiers were no longer spit upon, and at least outwardly were shown respect. The order aroused great feeling in parts of the North, and especially in England and France. Here it was looked upon as giving free license to the soldiers, but such it did not prove and certainly was not intended to be. Upon this subject Lord Palmerston carried on quite a correspondence with our minister, Mr. Adams, in which the latter got the best of the tilt.[2]

In Memphis an extensive system of registration was enforced, by which loyal as well as disloyal had to enroll with the provost. Those who enrolled as loyal had to take the oath of allegiance, and if the provost had doubts as to the good faith of the persons he could require bonds. Registered enemies were not allowed to vote, or exercise any other franchise or privilege, or appear as plaintiff or attorney at law before any court. They could not hold any position of honor or trust within the city, neither could they conduct any business or profession. Persons who remained enemies after one year were banished.[3]

An important experiment in municipal government was tried at Nashville. On the permanent occupation of the town as a military post there was a great increase of the social evil, which seriously affected the health of the soldiers. Early in

[1] O. R. R., s. I., vol. 15, p. 510–511, 426.
[2] C. F. Adams, Life of Charles Francis Adams, chap. 13 (Boston and New York, 1900).
[3] General Orders, No. 65, May 26, 1865, Memphis, Tenn.

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1863 the commander attempted to remedy the matter by gathering these people together and shipping them out of the city. An attempt was made to land this cargo at Louisville, Ky., but the authorities refused to receive them. They were then taken to Cincinnati, where similar treatment was offered. In August the War Department ordered the steamer to return to Nashville, with the result that sickness at once increased. A plan was then worked out by which these people were placed under medical supervision and permitted to ply their vocation upon payment of a license. The money thus received was used for the support of two hospitals, with the result that sickness entirely disappeared.[1] The system which was thus started by the military has since been used with great success in Europe, Japan, and some cities of this country.

IX.

From this brief study of the functions exercised by military government it is perfectly clear that it was an absolutism of the most complete sort. Not only was the government absolute, but it was also paternal in that it regulated the social conditions of life, especially as regards the relations of the whites and the negroes. One might go further and say that it was despotic in that the power was in the hands of a few men whose will was law. While all these adjectives may be applied, and have often been used in the description of that institution, yet these are not the vital questions. Whether a government is absolute, paternal, or despotic makes little difference, for in times past we have had such forms of government and they have proved most effective. Hence, the question which should be asked here is, whether or not militay government was efficient; did it rule justly and for the benefit of those over whom it was placed?

There can be no question as to the efficiency of this government during the period under discussion. New Orleans, under Butler, was cleaned as it had never been before in its history, and for the first time in years yellow fever had been kept at a distance.[2] For the first time also justice was thor-

[1] Annual Encyclopedia, 1864, pp. 769–771.
[2] Parton, General Butler in New Orleans, p. 398.

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oughly done in that city.[1] In reference to Butler's action in New Orleans it is well worth while quoting the letter of Gen. Jeff Thompson, a Confederate leader, which deals with the "woman" order and the condition of affairs in the city. "What your intentions were when you issued the order which brought so much censure upon yourself I, of course, can not tell, but I can testify, and do with pleasure, that nearly all of the many persons who passed through my lines to and from New Orleans during the months of August and September, 1862, spoke favorably of the treatment they received from you; and with all my inquiries, which were constant, I did not hear of a single instance of a lady being insulted by your command."[2] The same evidence may be had upon the efficiency of this government in Atlanta, Chattanooga, Savannah, and Baltimore.[3] The question was put to vote in Norfolk as to whether they would rather be under the Pierpont government, which was civil, or the "strong and steady government of the military arm," and the vote was overwhelming in favor of the latter.[4] Another straw which shows the condition of affairs is that Southern writers have little to say against the military government of this period. It is worth our while to notice also the words of S. A. Goddard, the English correspondent:

> No complaint, to my recollection, has been made against them (the generals) in any of the Southern towns that they occupied. On the contrary their course has elicited the highest praise, and while exposed in many cases to the gratuitous insults of females, their course toward them has been marked by extreme forbearance and politeness. This is universally acknowledged.[5]

Again, if we study the orders of the commanders in relation to the conditions and problems which they were intended to solve, they seem to be eminently just and wise. Justice was administered by military courts with great fairness and without unnecessary delay.

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[1] Parton, General Butler in New Orleans, p. 432.

[2] Butler's book, p. 419.

[3] Capt. D. P. Conyngham. Sherman's March through the South, pp. 224, 231, 294 (N. Y. 1865); John A. Dix Memoirs, v. 2, p. 34.

[4] The Solid South. Edited by H. Herbert, p. 223. (Baltimore, 1890.)

[5] S. A. Goddard. Letters on the American Rebellion, pp. 80–81. (London, etc., 1870.)

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Military government is important not only for the efficiency with which it met the difficulties of that period, but also as a link in that mighty process which crushed the rebellion, destroyed slavery, and reunited a divided country. It was an important factor in changing the social structure of a society, and preparing the way for the changes which were to follow. Consequently, as forming the basis of reconstruction, it plays an important part in the years of difficulty which followed the close of the war.

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XIII.—CRITICAL WORK ON THE LATIN SOURCES OF THE FIRST CRUSADE.

By Prof. OLIVER J. THATCHER,
UNIVERSITY OF CHICAGO.

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CRITICAL WORK ON THE LATIN SOURCES OF THE FIRST CRUSADE.

By Prof. OLIVER J. THATCHER, *of the University of Chicago.*

When dealing with the history of the crusades in the class room I have always met with great surprise, not to say incredulity, on the part of many students. The legends about Peter the Hermit and Godfrey of Bouillon have not only occupied a prominent place in text-books, but also have done yeoman service as homiletic material in illustrating various Christian virtues. It is no wonder, therefore, that these legends have a firm place in the minds of the youth of the land, who are surprised and shocked when told that these stories are untrue. They wish to know how it is possible for so false accounts to have got into circulation and to have found credence. And how do we now know that they are false? Such questions find their answer in a history of the History of the First Crusade. I have thought that it might not be unprofitable to repeat here, briefly and in a popular form, the substance of the answer I have given my classes. The brief time allowed by your committee makes all elaboration impossible.

There had been no critical study of the first crusade until in 1837, Leopold Ranke, in the University of Berlin, set for the members of his seminar the task of examining its sources. Their investigations, while not exhaustive, led to unexpected discoveries. It was left to one of the members of the class, Heinrich von Sybel, to continue the study, the results of which he published in 1841 in his History of the First Crusade.

Leaving aside the accounts which are to be found in Arabic, Armenian, and Greek, von Sybel limited himself to a critical study and comparison of the Latin sources. While his general conclusions were, in the main, correct, his judgments

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have been considerably modified by later investigators, such as Hagenmeyer, Kugler, Riant, Kuehn, Klein, and others.

I. The sources of the first rank are not numerous. Without presuming to settle pending controversies in an offhand manner, they may be said to consist, first, of the extant letters of the crusaders to their friends at home. These letters, written while on the march, have a peculiar interest and value. There is no complete critical edition of them, but Riant has given a good account of them in his Inventaire Critique des Lettres Historiques des Croisades, 1880. The text of the most important but least known letters is added.

II. In addition to these letters, the sources of the first rank consist, in the second place, of four writings by eyewitnesses, by men who themselves took part in the crusade.

1. Of these four writings, probably the most valuable is a history of the crusade by an Italian knight. Owing to the fact that his name is unknown he is always quoted as the Anonymous. Up to the end of 1098 he was in the service of Boëmund. He then attached himself to Raymond of Toulouse, with whom he made the rest of the journey to Jerusalem. His account has something of the nature of a diary, giving evidence of having been composed, not all at once, after the crusade was over, but in sections, at various times during the progress of the crusade. It faithfully reflects the varying temper and moods of the crusaders. The author seems to have completed his work toward the end of the year 1099. His manuscript, or at least a copy of it, was left at Jerusalem, where it was afterwards often consulted and copied by pilgrims from the west. In 1889–90 Heinrich Hagenmeyer published an excellent critical edition of this work, making of it a mine of information about the first crusade.

2. Of these four writings by eyewitnesses the second in importance is a history of the crusade by a priest, named Raymond of Aguilers, who went as a chaplain of Raymond, Count of Toulouse, the leader of the troops from southern France. This account is valuable and interesting for a reason which I shall point out at the end of this paper.

3. The third eyewitness, Fulcher of Chartres, also a priest, threw in his lot with Baldwin, who left the main army before it reached Antioch to seek his fortune farther to the east. Fulcher is our principal source for the career of Baldwin in

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the Euphrates Valley and in Edessa. This is also in the nature of a diary and was continued by its author to the year 1125.

4. The work of the fourth eyewitness, Tudebod, also a priest, is of less value than the other three, because he was content to copy them and to add little of importance on his own authority.

III. This exhausts the sources which are strictly of the first rank, but not much inferior to them are to be reckoned two writings, not by eyewitnesses, but by men who went to the East soon after the crusade was ended. They form a class by themselves. They are, first, a brief history of the crusade by Ekkehard, known as the abbot of the little monastery of Urach on the Upper Main River. In the year 1101 Ekkehard made a pilgrimage to Jerusalem. Being of more than ordinary intelligence and judgment he made use of every opportunity while in the East to learn of eyewitnesses all he could about the crusade. On his return to his home he set down the results of his investigations in his valuable little history of the crusade. Hagenmeyer has also published an edition of this with an excellent commentary.

The other writing of this class is by a certain Radulf of Caen, who in 1107 joined Boëmund and soon afterwards went to the East and served for several years under Tancred at Antioch. He committed to writing the reminiscences, or "table talk" of Tancred, adding whatever interesting items he could obtain from other sources. As one of the leaders of the crusade Tancred was able to give Radulf much important information of an almost official character.

In the letters of the crusaders and in these six writings named we have essentially the Latin sources of the first crusade. For all the later writers (such as Baldrich of Dole, Guibert of Nogent, Henry of Huntingdon, and many others) have in the main either copied, abridged, or fused them. The additions which such writers have made are relatively unimportant. Of the one exception, however, I shall speak later.

Now, if on the basis of these sources the history of the crusade were written, it would bear little resemblance to what for seven hundred years was believed to have been its history. In the first place, in this true history the Pope, Urban II, appears as the originator of the crusade. It was

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in response to his call at Clermont, in 1095, that the West took up arms and marched to the siege of Jerusalem. The stories about Peter the Hermit, his pilgrimage to Jerusalem, his visions there, his visit to the Patriarch of Jerusalem, his journey to the Pope at Rome, his successful appeals to Urban to preach a crusade, and Peter's commanding position as one of the great preachers and leaders of the crusade, all are found to be without the least foundation in fact. Not from Peter the Hermit, but from Alexius, the Emperor at Constantinople, Urban received the impulse to call the West to arm itself and march against the infidel.

2. In the second place, the rôle which Peter the Hermit actually did play is shown to have been an inglorious one. After the council of Clermont, in which the crusade had been determined on and proclaimed, along with many others, and perhaps without a direct commission from the Pope, Peter began to preach the crusade. In response to his appeal he was joined by several hundred worthless men and corrupt women, the most of them without arms. In their ignorance they believed that the miraculous power of the cross would put the Turks to flight. By being the first on the ground they would be the first to recover the holy places and would have the first chance to enrich themselves with the booty. In these vain hopes Peter and his motley band hastily set out for the East. As crusaders they felt themselves freed from all ordinary obligations and restrictions. While on the march they lived by plundering. On their arrival in Constantinople they behaved in the most shameless manner. They helped themselves to whatever they wished; they stole the lead from the roofs of the churches and sold it; they even set fire to the city. The Emperor, Alexius, was disappointed and disgusted. He had been promised reenforcements; he had hoped for an army; he had received only a band of marauders. Seeing the danger of their presence in the city, Alexius quickly set them across the Bosporus, and they began their mad march into the interior of Asia Minor. Peter soon lost all control over them and, with curses upon them, he returned to Constantinople, leaving them to their fate. They continued their journey, but were soon attacked by the Turks and destroyed. When the crusaders reached Constantinople Peter joined them. When he had first set out from Europe his name had

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been in the mouth of all; but now, in consequence of his failure, he became the laughingstock of the army and the butt of their jokes.

3. In the third place, the crusading army is seen to have had no unity. There was no one who was regarded as the leader of the whole movement, as the commander of all the troops. Each of the many leaders or princes led his own men, acted for himself and largely on his own responsibility. Godfrey of Bouillon, instead of having command of the whole army, as the later legends say, really played only à secondary rôle.

4. In the fourth place, the motives of these leaders are discovered to have been of the most worldly sort. They were, almost without exception, adventurers, soldiers of fortune, seeking an opportunity to enrich themselves and to get possession of some little kingdom or principality where they might establish an independent power for themselves. And when such an opportunity presented itself they seized it with avidity and deserted the crusade. Thus Boëmund got possession of Antioch and refused to go on to Jerusalem. Baldwin left the army and went to make his fortune at Edessa. It was through no lack of effort that Tancred failed to find a suitable place to establish himself in power. And Raymond of Toulouse was so bent on settling by the way that nothing but the burning of his tents by the crusaders and the desertion of his troops could compel him to go on to Jerusalem.

5. In the fifth place, this ambition of the leaders is seen to have made them bitterly hostile to each other. The troops of Tancred engaged in a desperate battle with those of Baldwin. Boëmund and Raymond of Toulouse made war on each other, and so fierce did their hostility become that Raymond spent the rest of his life in a prolonged though unsuccessful effort to destroy Boëmund.

6. In the sixth place, the success of the crusade is found to have been, in fact, very small. The so-called Kingdom of Jerusalem was confined almost to the city walls. When the crusade was over and the city had been, in reality, thrust upon Godfrey, there remained with him probably not 2,000 fighting men. The weakness of such a principality is apparent. Nothing but the internal quarrels of the Mohammedans made it possible for Godfrey, with this mere handful of men, to main-

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tain himself in the heart of a hostile country. As it was, he led a most precarious existence and held fast to Jerusalem more through the weakness of the enemy than by his own strength.

We are thus confronted with several questions which, of course, can be here touched on only in the briefest manner. Why was the true history of the crusade so quickly forgotten? Why did Peter the Hermit rob the Pope of the glory of having caused the crusade? What clothed the leaders with sanctity and heroism and caused their selfish careers to be forgotten? What raised Godfrey of Bouillon into the position of commander of the whole crusading army, gave him the character of a saint, and exalted his humble rule into a magnificent kingdom?

I can here only indicate in a general way where the answers to these questions are to be sought. It must be said, first of all, that the crusade made a most profound and lively impression on Europe. Being a new and unique movement, it shook Europe as she had probably never been shaken before. It took hold of what we may call the popular imagination of the time and stirred it into eager creative activity. This popular imagination, by way of naive interpretation and invention, informed the ignorance, satisfied the pride, and appeased the curiosity of the west. Within a few years it had woven about the crusade and its leaders so thick a web of story, legend, and romance that their true history was completely obscured.

The purpose of the crusade, the recovery of the holy places, lifted it into an atmosphere of sanctity and heroism in which every crusader appeared with the halo of a saint and hero combined.

From the very first, poets began to handle the history of the crusade in an imaginative way. In fact, the crusaders themselves made a beginning of this. They composed many couplets and songs to cheer themselves while on the march, and especially during the long siege of Antioch. A daring deed, an amusing mishap, a ridiculous situation—in short, a great variety of incident—would furnish some rhymester a theme on which to exercise his wit, imagination, and skill in versification. These verses naturally displayed a wide range of sentiment. Along with praise, they contained coarse wit, rough humor, and biting irony. Of the latter, Peter the Her-

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mit came in for a large share. The camp evidently took great delight in treating him in a mock heroic way. For his brief popularity he now paid with a long period of humiliation, the object of jeers and gibes. But even these resulted eventually in his glorification. For when these songs were carried to the west their character was not perceived by those who had not been with the crusade. To the undiscerning westerners, ready to believe the wildest things, such songs appeared to be sober statements of facts. They passed for history. Western poets then began their work, and, within a few years after the end of the crusade, there were several poems in existence dealing with one or another of its phases. Early in the twelfth century a certain knight, named Gregory, wrote a history of the crusade, in verse. In Antioch there was a fugitive poem in circulation which was known as "The Song of the Poor." It dealt largely with Peter the Hermit and embodied many of the camp songs just spoken of. It would be difficult to say which prevailed in it, the heroic or the mock heroic. Raymond, then Prince of Antioch, caused it to be reduced to writing. In its original form it no longer exists, but much of it seems to have been incorporated by a certain pilgrim, named Richard, in his poem, "The Siege of Antioch." Godfrey of Bouillon and Boëmund are Richard's heroes. This poem by Richard was taken by Graindor of Douay and made the basis for his poem, "The Song of Antioch," which became so widely known. It existed in many editions, for additions were made to it wherever it circulated. It is purely a work of the imagination.

These poems were recited all over Europe and regarded as the real history of the crusade. In the presence of their wealth of imagery and detail the meager and simple accounts of eyewitnesses were forgotten.

The cause of the glorification of Godfrey of Bouillon is not far to seek. Since he was put in charge of the Holy Grave, the most sacred object in the world, it is but natural that the West should have developed the most extravagant ideas about his character, his sanctity, and his ability. They reasoned that, if he had not possessed the most transcendent qualities of heart and mind, he would not have been chosen to so honorable a position. Poets sang his praises, and, by a natural

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association of ideas, connected him with the story of the Holy Grail and the Knight with the Swan.

Since this popular imagination and the poetic spirit began, from the first, to enlarge on the facts and to add to them, it follows that every later work on the crusade contains more and more that is legendary. How quickly these stories and legends took the place of the truth may be seen from the work of Albertus Aquensis, written, probably, about 1125. It contains a well-developed legend about Peter the Hermit.

It remained for William, who, in 1174, was made archbishop of Tyre, to perpetuate this legendary material by incorporating it in his famous history of the crusading movement. We are interested here only in William's ability as an historian. In common with his age he believed all that was written. He was master of a fine Latin style; he could narrate with great facility. He gathered his materials from all quarters, and, instead of sifting them, he used them all. Two or three varying accounts of the same event he skillfully wove into one. His work, being an interesting, pleasing, and complete narrative of the crusade, easily displaced all other accounts, and, for six hundred years, was the source from which the world drew all its knowledge of the first crusade. It was Von Sybel who deposed him from his high position when he published his book in 1841.

Although much has been done, there is still a good deal of preparatory work to be done before a perfectly satisfactory history of the first crusade can be written. Leaving out of account the Greek and Oriental sources, I must confine my remarks to the Latin. For the letters of the crusaders the work of Riant is, perhaps, sufficient. Hagenmeyer has published an excellent commentary on the "Gesta" of the anonymous knight and on Ekkehard's work. There is need of similar commentaries on the accounts of Raymond of Aguilers, Fulcher, Tudebod, and Radulf. These would all be comparatively easy but fruitful tasks.

Of all the other sources only the work of Albert presents any great difficulties. Von Sybel thought very lightly of Albert; Kugler, in trying to rehabilitate him, has probably gone too far in the opposite direction; Kuehn has taken a middle ground. The last word on the subject has not yet been said. It is to be hoped that some one will now take his

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work in hand and give us a critical edition of it, paying special attention to the analysis and identification of its sources.

Closely akin to this and having some bearing on the subject, although it is, in my judgment, rather a literary topic, would be a similar study of the poems dealing with the crusade.

One of these preparatory studies would be extremely interesting and valuable on another account. The priest, Raymond of Aguilers, was at the head of a band of swindlers who made gain by playing on the credulity, superstitions, and religious simplicity of the crusaders. It was he who, with the aid of a few accomplices, planned and executed the fraud of discovering the holy lance in Antioch. Having been charged with this, he wrote his account of the crusade as his defense, but while trying to clear himself he has unwittingly betrayed his guilt. In addition to valuable information about the crusade his book would furnish the basis for an instructive chapter in the history of mediæval fraud.

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XIV.—THE TURKISH CAPITULATIONS.

By JAMES B. ANGELL,
PRESIDENT OF THE UNIVERSITY OF MICHIGAN.

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THE TURKISH CAPITULATIONS.

By JAMES B. ANGELL,
President of the University of Michigan.

Since the capture of Constantinople by the Turks in 1453 the relations of the Western nations to the Ottoman Empire have been in many respects unique. These relations were determined and defined by decrees of the Sultans, who granted large privileges and powers to Europeans resident on their soil. To these decrees in due time the name of "capitulations" was given, apparently for the reason that they were divided into articles or chapters. They were personal grants, valid only for the life of the grantor. Hence they were renewed, often with modifications, on the accession of a new Sultan. So we find many capitulations made with France, England, and other states. The earliest of these capitulations, to which reference is now made for authority, is that of 1535 with Francis I of France. It is more specific and formal than any previous decree. It remained practically in force for three hundred years.

It is an interesting fact that concessions similar to these made in the Turkish capitulations were granted to foreigners in the Orient prior to the establishment of the Ottoman power in the Levant. There is a tradition that ten centuries ago Arab traders were admitted to Canton with permission to erect a mosque and have a cadi and their own laws,[1] and another that at about the same time the califs of Egypt granted similar privileges to the merchants of Amalfi. It is certain that in the Latin colonies in the Greek Empire and on the coast of Africa and of Syria in the eleventh and twelfth centuries the traders from Amalfi and Venice carried with them their local laws and jurisdiction. After the crusades the

[1] Travers Twiss in Revue de Droit International, 1893, p. 207; Pardessus, Lois Maritimes, II, p. CXXXVIII.

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Frankish barons holding eastern ports sought successfully to attract western trade by releasing it from many of the burdens imposed on it in Italy and France in the form of taxes, imposts, the droit d'aubaine, etc. The foreign community or colony was governed under the laws of its own land by a consul, or an official having some other title, but invested with the powers of a magistrate. In the Mussulman states of Northern Africa and the Levant in the fourteenth century the foreigners of each nation were often gathered in one large establishment with their shops, their chapel, and their consular residence. At the same period in the Greek Empire and in Christian states in Syria the foreigners received sometimes the concession of a whole street or even of a quarter of the city for their churches, residences, mills, and baths, and in some cases of lands adjacent to the city. But in all these Oriental states the Western merchants had the privilege of exterritorial jurisdiction. These concessions seem to have been due to a recognition of the wide difference between the Eastern and the Western civilizations, laws, customs, and manners, and to have been deemed conducive to the harmonious life of the natives and the foreigners. They were a natural outgrowth of the conditions in which these peoples of diverse origins found themselves, and were regarded as no more beneficial to the foreigners than to the natives.

Pradier Fodéré, who gave special study to this subject, thinks that the Mohammedans were very ready to grant large privileges to the foreign merchants because of their disinclination to leave their own country for the purposes of trade, and because of their lack of experience in navigation and their need of attracting foreigners to make use of their extended coast, their fine harbors, and their abundant products.[1]

As Mohammed II, when he captured Constantinople in 1453, was familiar with these usages, which had been followed in Moslem and Christian seaports of the Levant for three or four centuries, and which on the whole had contributed to the harmony between the natives and the foreigners, it is not surprising that he decided to grant to the foreign residents in his domain substantially the same privileges which they had previously enjoyed. It afforded him the simplest and

[1] Revue de Droit International, 1869, p. 119.

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easiest method of administration. It was for his convenience quite as much as for theirs that he left large liberty to the conquered Greeks, and soon confirmed to the Greeks and Venetians and other nations the privileges they had enjoyed under the old Empire. He was inspired by real statesmanship. It may well be doubted whether he supposed that he was exercising special generosity to the foreign powers.

When Francis I of France found himself engaged in his great conflict with the Emperor Charles V he threw aside the scruples which Christian sovereigns had generally entertained against forming an alliance with the Moslems, and sought the friendship of the Sultan Suleiman, who was also opposing the German Emperor. One of the results of this friendship was the granting by the Sultan of what is generally called the "first capitulation." Unhappily the text of this important document is lost. But as we have later capitulations which we have every reason to suppose do not differ essentially from the first, we are reasonably sure of its import. It seems to have been in form not a treaty, but a unilateral document, a grant or concession by the Sultan to his friend the King of France. It permitted to French subjects the rights of residence, trade, and local jurisdiction which have been since 1535 enjoyed by them. The capitulation which is now generally cited as the basis of the rights claimed by foreigners is that of 1740. Since by capitulations and later by treaties other nations have received the same rights as "the Franks," all nations refer back to the capitulation of 1740 to sustain their claims.

The substance of the concessions in the chief capitulations was as follows: The Franks were to have the liberty to travel in all parts of the Ottoman Empire. They were to carry on trade according to their own laws and usages. They were to have liberty of worship. They were to be free from all duties save customs duties. They were to enjoy inviolability of domicile. Their ambassadors and consuls were to have exterritorial jurisdiction over them. Even if they committed a crime, they were to be arrested by an Ottoman official only in the presence of a consular or diplomatic official of their own country. The Ottoman officers if asked by a consular or diplomatic officer to aid in the arrest of a French subject must render such service. The Franks had the full right of mak-

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ing wills. If they died intestate in Turkey their own consul must take possession of their property and remit it to the heirs. In fact, the Franks and other nations at last had imperia in imperio.

Naturally enough other Western powers soon sought to secure the same privileges as France. In 1579 Queen Elizabeth endeavored to secure the favor of the Sultan by reminding him that like him she and her subjects were opposed to the worship of images. This remarkable attempt to show a resemblance between Protestantism and Mohammedanism was not immediately successful in the face of French opposition. But in 1583 the Queen did succeed in establishing relations with the Sultan, and appointed William Harebone ambassador. The capitulation was afterwards many times renewed. The Netherlands received a capitulation in 1609, and Austria in 1615.

In 1673 France obtained a new power, namely, the exclusive right of protecting under her flag the subjects of sovereigns who had received no capitulations. This gave her prestige in western Europe, and placed several powers under obligations to her. But in 1675 England, after a vigorous effort, succeeded in depriving her of the exclusive right of protection of other nations, so that some states—Genoa, for instance—had the option of English or French protection. In 1718 Austria got permission for Genoa and Leghorn to use her flag. The smaller states were for a long time glad to secure the protection of one of the strong powers.

Perhaps no concession made by the capitulations to foreign powers has been more abused than the grant of this right of protection. We are all indebted to M. Francis Rey for the thorough study he has made of this subject, and I borrow mainly from him the statements which follow. The French, English, and Russians seem to have been especially guilty of abuses of the privilege of taking foreigners under their protection. They sold to native Greeks and Armenians the privilege of protection by a document which exempted them from paying duties on goods imported. Many of these became rich by this advantage, and were allowed to make a transfer of their privilege for a consideration. Ambassadors were allowed to have a large number of dragomans, to each of whom they gave a barat, which secured for them valuable

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exemptions. The ambassadors came to dispose of these appointments or barats for sums ranging from 2,500 to 4,000 piasters. One of the French ambassadors, it is stated in an official report, received more than 400,000 francs from this source. The English ambassador is said to have received £2,000 to £3,000 income from the same source. The ambassadors presumed to bestow this barat for life. They used to bribe officials even in the Sultan's household. They went so far as to issue patents of protection to whole families of Greek or Armenian subjects of the Sultan.

Russia and Austria shamefully abused this right of protection for political ends. Rivals in seeking influence in Moldavia and Wallachia in 1780 and 1782, their consuls competed with each other in granting gratuitously patents of protection to the natives. At the close of the last century Austria had by this process more than 200,000 subjects in Moldavia and 60,000 in Wallachia. But these last were afterwards made Russians by changing the patents, when the Russian influence became preponderant in Wallachia.

In 1806, in order to embarrass Russia, Napoleon put an end to the abuse by French ambassadors of the right of issuing the barat to any persons but the dragomans. And Turkey succeeded in persuading most of the foreign powers to imitate his example. But this did not prevent Russia and Austria and Great Britain through their consuls taking large numbers of Turkish rajahs under their protection by one pretense or another. In 1808 it is said that Russia had 120,000 Greek subjects of the Sultan, Austria a large number of Dalmatians and Croats, and Great Britain many Indians and Maltese registered as their protégés. Of course they formed lawless crowds claiming exemption from police supervision. Some of the protégés were rich merchants, whose acts caused diplomatic conflicts. It is not strange, therefore, that in 1869 the Sultan issued an irade forbidding the naturalization of his subjects under a foreign government, unless they had previously obtained his consent. Surely he had been imposed on long enough.

The treaties of this century between Turkey and Western powers are all based on the capitulations, notably that of 1740. Of late years some important changes have been made. The most noteworthy are these: Down to the nineteenth century

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foreigners could not hold real property except under borrowed names. Since 1867 they have been allowed to hold it. Duties on imports were formerly only 3 per cent; now, they are 8 per cent, but can be raised only by treaty. Since 1868 the inviolability of the domicile of a foreigner is limited to residences within nine hours' journey of a consular post. Questions of real property are determined in an Ottoman court. Religious freedom is confirmed in all the treaties.

Naturally enough Turkey has made repeated efforts to annul the capitulations. She tried to do this at the Paris congress of 1856, and again in 1862, but the powers generally have been unwilling to yield to her desire. Germany, whose policy for some years has been to secure the favor of the Sultan, renounced the capitulations ten years ago, but under the most favored nation clause in her treaties retains the same privilege as others.

All the powers except the United States have surrendered in large degree their exterritorial jurisdiction over their subjects, though the consul of the subject accused of crime attends his trial, and if injustice is threatened, his case is made a matter of diplomatic consideration.

Our insistence on exterritorial jurisdiction over our citizens accused of crime now results in the miscarriage of justice, for the Turkish Government declines to furnish witnesses and allows the culprit to escape. It maintains that we have no right to exercise the jurisdiction we claim. It affirms that our copy of the treaty is not correct. There is great need of the adjustment of the question by the negotiation of a new treaty.

We have also a constant source of difficulty with Turkey in respect to naturalized Armenians. Many come to this country and take out naturalization papers and return home as American citizens. But the Sultan recognizes no naturalization since 1869, unless it has been made by his consent. The British avoid the trouble we have by declaring in writing on the passport of every Turkish subject naturalized in Great Britain that it is not valid on return of the bearer to Turkey.[1]

[1] This is in accordance with the following provision in the British naturalization act of 1870: "An alien to whom a certificate of naturalization is granted * * * shall not, within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof or in pursuance of a treaty to that effect."

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Until the Government of Turkey undergoes important improvements, and especially until justice is more impartially administered by her courts, it will not be prudent for the Western powers to make exactly such treaties with her as they may properly make with each other. The difference between the customs and laws of the Mohammedan nations on the one hand and those of the Christian nations on the other is so marked that the relations between the two must long be determined by treaties breathing something of the spirit of the old capitulations.

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XV.—STEIN'S GERMAN POLICY AT THE CONGRESS OF VIENNA.

By Prof. ULYSSES G. WEATHERLY,
UNIVERSITY OF INDIANA.

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STEIN'S GERMAN POLICY AT THE CONGRESS OF VIENNA.

By Prof. ULYSSES G. WEATHERLY, *University of Indiana.*

Soon after the establishment of the Empire in 1871 there began a Stein revival in Germany which has had much to do in shaping opinion on the work of the great minister and on the part played by Prussia in the German national movement of the Napoleonic period. It became fashionable to speak of Stein, not only as though he had foreseen the existing form of German unity, but even as though he had consciously labored to achieve this unity through the very means by which it was ultimately secured. Himself the embodiment of the general aspiration, and to a large extent the author of the measures which created Prussia's strength, he was now conceived to have foreseen and approved Prussia's mission. Looking at his career from the point of view of the year 1871, it was easy to reach such a conclusion. But when the range of vision is confined to the years 1807 and 1814, Stein's place in the movement for German unity is not radically different from that of Frederick the Great, diverse in nature as was the work of the two men. That Prussia's hegemony has proved to be the solution of the German problem may be a good reason for arguing her fitness for the task, but it does not justify the supposition that the founders of her greatness foresaw that result.

Historical scholars, as well as public opinion, have had their share in making Stein a precursor of Bismarck. Mejer, in a monograph published in 1871, declared that Stein "had in mind a German unity under Prussian leadership."[1] Von Sybel, in an address delivered in 1872, expressed the opinion that Stein "already foresaw in the eighteenth century the

[1] Der Freiherr vom Stein über deutsche Einheit und deutsches Kaiserthum. Rostock, 1871.

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real German state of the future."[1] Treitschke, always on the lookout for an opportunity to glorify Prussia, sought likewise to enroll Stein among the great Germans who have seen in Prussia the hope of Germany.[2] It is not necessary to believe that historians of such rank have consciously perverted the facts. The bias of state pride or the exigencies of state politics have been more potent in Germany, perhaps, than in England or America, where Macaulay and Bancroft have not wholly escaped their influence. The temptation to use a name like Stein's in support of certain theories, at a time when the nation was ready to welcome those theories, was great; and, moreover, they found in certain vague utterances of Stein's declining years some substantial basis for the claim that he had then lost faith in Austria.

To say that Stein always had in mind some form of practical unity for the German body is to state a truism. To say that he always, after 1803, conceived of Prussia as destined to hold a place coordinate with Austria in the restored Germany is still to keep within the limits of safety. His well-known letter to the Prince of Nassau-Usingen, written in 1804, when it was rumored that his holdings as an imperial knight were to be mediatized, contains the germs of a conviction that grew ever clearer in the years that followed:

> Germany's independence and stability would gain little by the incorporation of the few knightly possessions with the small States surrounding them. If those great ends, so beneficial to the nation, are to be gained, these small States must themselves be united to the two great monarchies upon whose existence the continuance of the German name depends; and may Providence grant that I may live to see this happy culmination.[3]

In 1806, after the formation of the Rheinbund, Stein joined with several others in a memoir to Frederick William III, urging upon that monarch the wisdom of the policy of Frederick the Great, who had known how to attach to the Prussian monarchy "the most important [German] States, especially those of the north."[4] The abortive attempt to form a north German confederation in the autumn of 1806 was in the line of this suggestion, but it is certain that Stein would not have regarded such an arrangement, had it succeeded, as a finality,

[1] Am Denkmal Steins. Bonn, 1872.
[2] Deutsche Geschichte im neunzehnten Jahrhundert, especially Bd. I.
[3] Pertz, Leben des Ministers Freiherrn vom Stein, I, 257–259.
[4] Pertz, I, 347–348.

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for it would have realized only half of his plan. The other half, as he then seems to have conceived it, would have been realized when the Rheinbund should have been destroyed and the States composing it placed under Prussian control, if in the north, or under Austrian hegemony, if in the south. In the period between the battle of Jena and the Russian campaign all Stein's plans for the liberation of Germany involved the cooperation and generally the leadership of Austria. He still occasionally considered the plan of restoring the imperial German throne, but the dualistic idea was the one that was paramount.

This was shown by the memoir of September, 1812. Always infatuated with the specter of the mediæval empire, he nevertheless now admitted that its restoration was out of the question, chiefly because of the position as a great power acquired by Prussia since 1648 and the consequent necessity of recognizing her as one of the dominant forces in German affairs. That he thought of anything more for Prussia than a position coordinate with Austria, there is here no shadow of evidence. And Schmidt points out that Stein must have still held the same opinion at the time of the proclamation of Kalisch, because he at that time sent to Hardenberg a copy of the September memoir, apparently without modification. But it was already apparent that the plan of a divided protectorate must be given up. Austria, if she had ever considered the idea favorably, appears to have abandoned it before the end of 1813,[1] and it met with determined opposition from the smaller States.[2] The chief difficulty about such a plan would have been to secure the harmony and cooperation of the two great States in the defense of Germany against French aggression. The stress of the war of liberation forced upon Stein, as it forced upon others, the conviction that such cooperation was absolutely essential to the safety of Germany, not only in the existing emergency, but for all future time. To neglect this consideration is to lose the key to Stein's actual policy during the two years that followed. His idealistic devotion to the old order of things and his enlightened views on the principles of government were always modified

[1] Ompteda, Politischer Nachlass, III, 232.

[2] See, for example, the attitude of Mecklenburg-Schwerin, Hirschfeld, Ein Staatsmann der alten Schule, Deutsche Rundschau, Bd. 77, pp. 250–251.

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by this idea, and in many instances were actually subordinated to it.

Nevertheless, he failed in 1813 and 1814, as he failed throughout the congress of Vienna, to adopt and rigorously adhere to a clearly defined plan. At the very time that he was encouraging the imperial plans of Arndt and the representatives of the smaller States, he was cooperating with Hardenberg and Humboldt in drawing up the plan of the forty-one articles, in which the principle of dualism predominated. By this plan the bulk of the Austrian and Prussian territories were to be excluded from the confederation. Austria was to enter only for Salzburg, Tirol, Berchtesgaden, Vorarlberg, and whatever territory she might ultimately retain on the upper Rhine, while of the Prussian territories only those west of the Elbe were to be included. In the Federal Diet there was to be a first chamber, called the Directory, in which the two great States alone were to be represented, Austria having the presidency and Prussia the directorate. By restoring the old plan of administrative circles Prussia was to have a practical hegemony in the north and Austria in the south. The exclusion of the greater part of the Prussian and Austrian territories from the confederation was recognized by Hardenberg as a mere makeshift, but he defended it on the ground that if called upon to submit to federal restraint in only a small portion of their territories the two States would the "more readily yield to federal laws, and thus the bond would be stronger." Both were to conclude a firm alliance with the confederation and to guarantee its constitution. This scheme belonged primarily to Hardenberg and Humboldt, and while Stein gave it his general sanction it must be considered as representing rather his view of what was actually attainable than of what he would really have preferred. The rift between the north and the south was already a fact to be reckoned with, and none knew better than he the difficulty of establishing harmonious cooperation between Austria and Prussia.

There is, therefore, scarcely a shadow of evidence to show that in 1813 and 1814 Stein ever thought of excluding Austria from Germany or of assigning to Prussia anything more than a general hegemony in the north. In fact it may be shown that the main trend of his opinion was in the direction of Aus-

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trian supremacy in case a centralized government were possible. In December, 1812, he had written thus to Münster:

I regret that your excellency detects a Prussian in me and a Hannoverian in yourself. I have but one fatherland and that is Germany; and since, under the old constitution, I belonged to it alone and to no particular part of it,[1] to it alone and not to any part of it I am wholly devoted. * * * My wish is that Germany should become great and strong, that she may recover her independence, her autonomy, and her nationality, and that she may assert these in her position between France and Russia. * * * My confession of faith is unity, and if that is not attainable, then some shift, some transition stage. Put what you will in the place of Prussia, dissolve her, strengthen Austria with Silesia and the Electoral Mark and North Germany, excluding the banished princes; restore Bavaria, Würtemberg, and Baden to their position before 1802, and make Austria mistress of Germany—I wish it; it is good—if only it be practicable."[2]

In striking contrast to Stein's uncertain and wavering attitude on the general question of the national government was his unchanging hostility to the pretensions of the lesser German princes. Like most members of the former knightly order, he cherished a personal animosity against the princes who had profited most by the spoliations of 1806; but, as the Nassau letter of 1804 shows, it was the national rather than the personal interest that chiefly concerned him. Far from lending aid to the mediatized princes and nobles in their offorts to secure restitution, he would have carried the principle of consolidation still further until only a very few, or, as above indicated, only two princes remained sovereign. The pretense of sovereignty set up by the Rheinbund princes particularly angered him, because that sovereignty had been acquired through Napoleon, and was on its very face a standing proof of treason to Germany. Before the Russian campaign his plans involved the sequestration of all Rheinbund territory unless the princes should voluntarily renounce the French alliance. In November, 1812, he advised the Czar that the well-disposed princes be guaranteed in their territories, but that no pledges as to sovereignty be given them.[3] In the Prague memoir of August, 1813, he deplored the destruction of the safeguards which the old constitution threw around subjects, lamenting also that the existing system not

[1] He refers, of course, to his former position as an imperial knight.
[2] Pertz, III, 226.
[3] Ibid., 212-220.

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only made a sense of nationality impossible by reason of subservience toward France, but destroyed morality as well.[1] Not until this pretense to sovereignty should be destroyed could a "restored national sovereignty adapted to the needs and wishes of the nation" be established.

When, therefore, by the treaty of Ried,[2] Austria guaranteed to Bavaria absolute independence and full sovereignty, Stein recognized that his case was lost so far as his main contention was concerned.[3] One point, indeed, was gained. The Rheinbund was effectually broken, and the military resources of the smaller states were placed at the disposal of the allies in the war of liberation. Moreover, in the treaties with the other middle and small states some slight conditions were imposed, which, it was snpposed, would force them to accept whatever limitations upon their sovereignty the interests of the future national government might demand. But if the voluntary cooperation of the state governments in the military operations of the war was important, it was possible that it might be purchased at too great a price, and that price was almost certainly paid when the creation of an effective central government was rendered impossible in advance. How weak and ineffective a federation without the necessary powers would be had just been demonstrated by the collapse of the Rheinbund itself when the strong arm of Napoleon was withdrawn.[4] But even the granting of such terms did not secure to the allies the active support of all the German princes. In Baden, Hessen-Darmstadt, and some of the smaller states, the arming of the population for service in the war was hindered by the governments,[5] while the King of Württemberg openly announced that he was deserting Napoleon only because the tide had turned against the French, and that he hoped for Napoleon's speedy return. Stein would have had these princes summarily dealt with. He urged the Czar, shortly after the battle of Leipzig, to temporarily depose and remove them

[1] The Prague memoir is given by Schmidt, Deutsche Verfassungsfrage, pp. 59 ff. It is not found in Pertz. For some similar expressions see Stein's comments on a letter from Münster to Count Hardenburg, first published in the Historiche Zeitschrift, Bd. 46, 191. See also Montgelas, Denkwürdigkeiten, 314.

[2] October 8, 1813, Austria acetd for the allies int he negotiations at Ried, and was afterwards accused of having made these concessions for purposes of her own.

[3] Montgelas, Denkwürdigkeiten, p. 315.

[4] See Stein's comments on Münster's letter, cited above.

[5] Pertz, III, 476–477.

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from their territories, and to hand over their states to military governors until the peace.[1]

The opening of the congress of Vienna may be said to have ended the period of Stein's greatest influence on German affairs. In the period of popular agitation and patriotic fervor, of which the war of liberation was the climax, his idealism had been a force the extent of which can hardly be overestimated. But thenceforth affairs were to be in the hands of the diplomats, whose chief concern was with territorial adjustments and the balance of power. It is hardly a disparagement, in contrasting Stein with politicians of the school of Metternich, to say that he lacked practical constructive statesmanship, or that his conceptions were little adapted to the actually existing conditions. His very loftiness of view interfered with his getting a right estimate of what was really attainable under the circumstances. He lacked the ability to compromise. Nor was he ready with a consistent practicable scheme of action at the opening of the congress. Lending his encouragement to Arndt in the issue, early in 1814, of a pamphlet advocating the creation of an imperial union state somewhat on the old model, he at the same time still cherished the partition idea and also gave countenance to the plan of a mongrel federation in which Austria and Prussia should each have a kind of supremacy.

Furthermore, Stein was not in a position to make his voice heard effectively in German official circles. As adviser to the Czar he aroused some distrust, for the fear of Russian intrigue was already prevalent. The creation of the first German committee threw him distinctly into the ranks of the opposition, chiefly because Bavaria and Württemberg were allowed representation in it. His avowed preference was that Germam affairs be intrusted to a committee consisting of Austria, Prussia, and Hanover.[2] He would have included the latter, not on account of its position as a German state, but on account of its relation to England.

Consequently, when the small states in October organized themselves to protect and advance their interests, they found ready encouragement from Stein. We now know that he

[1] Stein to the Czar, October 30, 1813, Pertz, III, 457.
[2] Pertz, IV, 112.

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was in close touch with this body, known as the Verein.[1] While the first committee was in session he gave his support to the faction which favored merely a formal declaration of principles. He did not, however, withhold his sanction when the party of protest triumphed and presented to the committee on November 16 a memoir urging a restoration of the Empire. On that date the sittings of the committee terminated. The opposition to all reasonable concessions on the part of Bavaria and Württemberg had already convinced Stein of the futility of the task undertaken by the committee, and thenceforth his position became that of a more or less interested observer whose only hope lay in some fortunate accident or some new grouping of the elements.

In the two months that followed the dissolution of the first German committee the attention of the congress was so thoroughly monopolized by the Polish and Saxon questions that hardly a word was spoken about the future of Germany as a whole. In Stein's diary for December and January there is scarcely a line bearing on that subject.[2] One important question, however, was brought into prominence by the constitutional struggle in Württemberg.[3] The liberals had insisted from the first that the new German constitution, whatever form of government it should provide for, should at least compel the individual states to grant constitutions giving a minimum of personal rights and some form of popular representation. The old provincial estates had been abolished by most of the princes after 1806. The type of government during the period of the Rheinbund was a Napoleonic one, or, as Stein designated it, "sultanism."[4] When, therefore, the King of Württemberg, having withdrawn from the congress, attempted to take the matter into his own hands and to dictate the terms of the constitution, even Austria and Prussia were forced to protest. A joint note was drawn up

[1] "Verein der deutschen souverainen Fürsten und freien Städte." For the formation of the Verein, see Gagern, Mein Antheil an der Politik, II, 202–204. For Stein's relations with this body, see Schmidt, 259, 272–274, 406, and 491.

[2] Stein's Tagebuch während des Wiener Congresses, published by Max Lehmann in the Historische Zeitschrift, Bd. 60.

[3] A general account of this struggle, which lasted until 1819, is given by Von Mohl, Würt. Staatsrecht, I, pp. 30 ff. The principal documents connected with its early period are found in Klüber, Acten des Wiener Congresses, I, 4, pp. 1–2.

[4] Bavaria had adopted a constitution with a modified form of representation in 1808.

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which declared that "the general principles of the state constitutions must be determined by the German states assembled in the congress, and not by the despotic will of each separate prince,"[1] but Metternich finally prevented its being sent. Stein, through his Russian connection, attempted to bring pressure to bear on the King, and also on the Grand Duke of Baden, from whom the promise of a constitution on accepted lines was actually secured. Stein had taken the position that the states had never possessed full sovereignty under the old Empire, their only claim to it now being based on the guaranties of Napoleon; that, with the exception of Bavaria, they had, in the treaties by which they joined the allies, agreed to such limitations of sovereignty as the future organization of a national government might demand; and that it was not for them now to choose whether or not they would grant constitutions or what the form of these constitutions should be.

The return of Napoleon proved much more disastrous to the political interests of Germany than to the military. Many of the conditions of 1813 were duplicated. There arose again the pressing need for the military services of the German states, and again there was the same scramble to secure these even at the expense of bribing the princes with concessions that otherwise would not have been considered. This, combined with the fact that many of the princes were not at all well disposed to the anti-Napoleonic cause, rendered it out of the question to put any effective check on their pretensions. Already inclining again toward the imperial idea, Stein now definitely allied himself with the faction in the Verein which favored a positive demand for the restoration of the Empire.[2] This was a last resort. So much at least could be saved out of the wreck of all his hopes. He now despaired of seeing the constitution finished at the congress, but thought it possible that if the Empire were proclaimed the details of the national organization might be left to a diet to be held later at Frankfurt.[3] But the principle of dualism was still present in his thoughts. As shown by the draft of a declaration laid

[1] Pertz, IV, 375-376.

[2] Schmidt, 406; see also Baumbach to Schmid, 18 March, 1815, in Schmidt, 491.

[3] His letters to his wife in February, 1815, indicate a belief that this solution was likely. He had even made arrangements to leave Vienna in February, supposing that debate on the German question was practically ended.

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before the Russian cabinet on January 17,[1] he would assign to the two great states a preponderating influence in the confederation. We detect here almost for the first time, also, a nascent conviction that Prussia, situated as she was in the center of Germany, and almost solidly German in composition, had and ought to have the more direct interest in purely German affairs. Austria, as a Danubian and Adriatic state, "would always subordinate her sympathy with Germany to her momentary convenience." Furthermore, he placed in strong contrast the active intelligence and the restless energy of the Germans with the repose which Austria loved, and pointed out the lack of unity caused by the diversity of languages. "If," he continued, "we allow that Austria has a less solid interest in Germany than Prussia, and that even in its interior there are elements that tend to separation, if, nevertheless, we hold that the union of Austria with Germany is indispensable to the latter and expedient for the political well-being of Europe in general, we can not at the same time refuse to admit that a constitutional link must be forged which may bind Austria again with Germany, and bind the two together by allowing to the former a great influence—a preponderance—which may give to their reciprocal relation a foundation in interest and duty." What was behind this utterance, whether his conviction was that Austria, being given the imperial dignity, was to exercise little further influence in Germany, while to Prussia should fall the task of real, practical leadership, is difficult to determine with certainty. But there is ground for believing that Stein was becoming convinced of the hopelessness of efficient leadership on the part of Austria, while not at all ready to consider her total exclusion from the German body.

The Verein was in a position, after the return of Napoleon, to make demands, for the princes now had something to give as well as to ask. Its first effort was directed toward getting the German question reopened. Coupled with this demand was a renewed plea for the restoration of the Empire. When the second German committee began its sessions in May, 1815,

[1] Seeley, II, 369–371. Pertz evidently was not acquainted with this document. In a personal interview with the Czar about the same time Stein advocated the restoration of the Empire. He believed that the issue of a declaration embodying this principle and guaranteeing representative government in the states was all that was necessary on the part of the congress.

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the Verein was represented at first by five joint delegates, and ultimately by delegates from the several states. Stein naturally supported the Verein in its course, but he could not fail to perceive that the forces of particularism would be greatly strengthened by these new allies.[1] The smaller states would, out of mere self-interest, favor a strong federal head, but despite the language of their several public proclamations they did not, when once admitted to the committee, perform any effective service toward securing a supreme court, a bill of rights, and a guaranty of constitutional government. The constitution that was thrown together in the closing days of the congress showed that even the small hopes that Stein had cherished in recent months were unfounded. Referring to the question of state constitutions and representative government, he said:[2] "A great part of the princes acknowledged this obligation in their declaration of November 16. It served as a basis in the deliberations between the King of Württemberg and his estates. It is found in the plans of federation which the cabinet of Berlin has submitted. It was therefore to be expected that it would appear in the bases on which Austria and Prussia have just come to an agreement. Yet we find only in the tenth article the vague proposition: 'In all German states there shall exist a constitution by estates,'[3] without any enactment about their powers or about a guaranty for them. In this way every principle is abandoned upon which the political arrangements of the nation may be based."

The responsibility for this failure Stein placed on Austria and Metternich. He saw, almost as clearly as Bismarck saw later, that what Germany needed was a strong hand which should crush into subjection the petty self-seeking princes. He was, of course, mistaken in supposing that the house of Austria ever could or ever would play the part of a real master. It was already apparent at the beginning of 1815 that Metternich's policy was to coddle and pander to the ambitions of princes who, if allowed to retain their thrones at all, ought to have been sternly dealt with if a central government

[1] Much new light has been thrown on the attitude of the smaller states at the congress by the publication of selections from the papers of Plessen, delegate of Mecklenburg-Schwerin. See Deutsche Rundschau, Bd. 77, pp. 88, 249, 433; Bd. 78, p. 87.

[2] May 24, 1815.

[3] This article was still further emasculated in the final draft by the substitution of "wird" for "soll."

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worthy of the name was to be created. Baffled and angered by this ruinous policy, Stein still believed that if the Empire were only restored, the details of the German question could be settled advantageously at a later period when they could be dissociated from the diplomatic and territorial interests that dominated the Congress. When, however, Metternich's influence caused Francis to decline the imperial dignity, he was forced to the conclusion that the solution of the problem lay elsewhere than in Austrian initiative.

Austria's later policy in the confederation was such as to confirm this conviction. It was inevitable that the wrath with which Stein watched Austria's German policy after 1815 should lead to the query whether Prussia after all would not have better managed the interests of the nation had they been committed to her sole charge.[1] But this conviction, if it really existed, must be considered as an afterthought, and as the product of reflection on the whole course of events. That the idea ever occurred to him before the later period of the congress of Vienna is hardly to be supposed. And it is exceedingly doubtful if he ever for a moment believed that the total exclusion of Austria from Germany was either practicable or desirable. His temperament and his training alike rendered it improbable that he would ever have allied himself with any other than the Gross-deutsch party of later years.

[1] Hints of sentiments of this character are found in certain of Stein's letters to Gagern after 1820. See Gagern, Mein Antheil, Bd. IV; also Pertz V, 703; VI, 242 ff.

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XVI.—THE CONSIDERATIONS WHICH INDUCED EDWARD III TO ASSUME THE TITLE KING OF FRANCE.

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By Prof. WALTER IRENÆUS LOWE.

No great historic institution is the result of a single cause. Neither can any great historic movement be adequately explained by referring it simply to those causes whose operations are limited to the immediate past. Historic characters, however, though they are more or less unconsciously the products of forces which may be generations old, are consciously moved and swayed by considerations which they can see and know. A study, therefore, of the Hundred Years War would carry us back to the first days of English rule on the Continent. But in limiting ourselves to an investigation of the motives which induced Edward III to proclaim himself King of France, it is enough to review briefly the latter part of Edward II's reign in order to acquaint ourselves with the course of events which placed the young Prince of Wales as the nominal center, though not at first the actual leader of affairs.

The death of Philip V and the accession of Charles IV to the throne of France first introduced Edward to the country toward which he was destined to direct so much of his attention and energy. Though the new King soon gave unmistakable evidence of his hostile designs against Guienne (1)[1], Edward II was in no position to respond to his earlier summons to render homage. The execution of Lancaster, however, on March 22, 1322 (2), and the flight of the other rebellious barons to the Continent (3) freed the English sovereign, for the time at least, from the danger of domestic enemies; and the thirteen years truce with Bruce (4) permitted him to turn from the northern marches to the French ambassadors who had crossed the channel early in August, 1323. Unfortunately the King had by this time completely fallen

[1] For references see end of paper, p. 574.

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under the influence of the favorites for whose sakes he had struggled so strenuously, and he was prevailed upon by the younger Despencer and Baldock to make light of the new summons which was made (5). Events soon proved, however, that Charles's earnestness in the matter was but another indication of his desire to get control of Guienne (6) where a dispute, which had already broken out about another question, (7) furnished one more excuse for prosecuting what now appeared to be the settled determination of the French Kings to absorb, as far as possible, the English continental possessions. It is in this policy of consolidation that we discover the keynote of the period which finally culminated in the Hundred Years War.

For England no such consistent plan is as yet discernible. In the events which immediately transpire the spring of action is to be found in court intrigue, in a struggle in which not the nation's welfare, but the supremacy of the King's favorites as against the Queen, was the chief consideration. It will be easy, therefore, to detect the influence of the Despencers in much that follows.

Though the weak Edward had been persuaded to underestimate the importance of the French summons, he could not be allowed to ignore it entirely. A Parliament was therefore called for Lent, 1324 (8). At this meeting it was decided that the King should not cross the sea in person until he had sent solemn messengers to bear his excuses for his previous delay and gain, if possible, a further extension of time. Accordingly on March 11 Alexander Bicknor, Archbishop of Dublin, the Earl of Kent, and others, were commissioned to treat of affairs in Guienne and to arrange for a meeting between their sovereign and Charles, where all questions in dispute could be amicably settled (9).

Though these ambassadors were well received at the French court, the King would grant them no hearing until he had received compensation for certain grievances which he claimed had been committed against him in Guienne, and of which Edward was entirely ignorant when he named his commissioners. On learning of the situation, however, he ordered an investigation (10). But when his ministers exceeded their authority and agreed that the chief offender in Charles's eyes, the English seneschal in Guienne, should answer in the Parlia-

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ment of Paris to the charges made against him, he repudiated their action. That this step was taken to maintain his legal rights rather than as a declaration of war is clearly shown by the sequel; for not only did Edward appoint a special commission to treat with Charles concerning his complaints, but he also yielded a partial consent to the demands which the French King had made as a preliminary to negotiations (11).

Charles, however, was evidently bent on war. Refusing a safe-conduct to Edward's messengers, he maltreated them when they came to him without one (12), and about a month before the day set for the homage ceremony he ordered the county of Ponthieu to be taken into his hands (13). Early in August the Count of Valois entered Guienne and war began, as the French claimed, because the English King had failed in his duty to his suzerain, but in reality to overthrow Edward's rights as immediate lord of the territory (14).

This war is important for two reasons. In the first place it shows to what lengths the French Crown was ready to go in its desire for consolidation. In the second it created the situation which as much as any other one thing was the immediate cause of the Hundred Years War. It amply illustrates, too, what has already been suggested, that court intrigue at this time really determined England's foreign policy.

The first period of hostilities was quickly over, thanks to Edward's delay in sending reinforcements, and the aid which his continental subjects rendered to his foes (15). In two months the French had overrun the Agenois, and Kent had given provisional promise to a truce at La Réole whereby he agreed to surrender the town and see that the demands which Charles had made at Paris should be granted (16). The capitulation was made contrary to the wish of the English officers, but Kent was influenced by the Archbishop of Dublin, who now appears openly, what he had undoubtedly been secretly for a long while, an enemy of the younger Despencer (17). We now catch for the first time a glimpse of an influence which without doubt had long been working in the minds of the enemies of the favorites, and made them willing under the leadership of the Queen to degrade England, that in so doing they might cast discredit on the administration and so degrade the unpopular ministers. It is not too much to assume, when we consider how Isabella was introduced into

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affairs at this juncture, and the turn which events took when she became supreme, that some secret understanding existed between herself and her brother. And Charles was not the man to allow the opportunity of furthering his own interests which his sister's cause presented to pass by unheeded.

Edward, yielding to papal persuasions, finally accepted the arrangements which Kent had made, and on November 15, 1324, appointed commissioners to treat for a final peace with France (18). He was not at all sanguine, however, of the success of this embassy, and so made preparations against the renewal of hostilities. He even went so far as to set May, 1325, for his crossing to Guienne, but before that time arrived he had been induced to take the step which proved his ruin (19). As he had anticipated, negotiations did not prosper at Paris. Finally the French King intimated that the best way to solve the difficulties which blocked the deliberations would be for Isabella to join the English embassy. In view of Edward's expressed desire to cross the channel himself, if circumstances should favor such a move (20), it is difficult to understand Charles's behavior at this time unless we accept the idea already presented that some secret understanding existed between himself and his sister. Isabella's career in England from the very start had been an unhappy one (21), and now the rise of the Despencers so soon after Gaveston's overthrow, the confiscation of Cornwall on the outbreak of the French war, and her treatment in connection with that event had thoroughly roused her anger, which henceforth was not permitted to subside.

The unwillingness of the favorites that the King should go abroad gave the Queen the opportunity she desired. Already her friends, Orlton and Burghersch, had advised her to seek relief from her distresses at her brother's court, and she had used all her blandishments on her husband to induce him to permit her to go abroad (22). Charles's request, therefore, could have caused little surprise to anyone save the miserable King, and he, finally yielding to the advice of his own and the papal ministers, named his wife as his representative at the French court (23).

Isabella set sail early in March, 1325 (24), but several weeks elapsed before Edward was called upon to take any action in connection with the business which had called her over sea.

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French ambassadors did not arrive in England until the middle of April, too late for any action to be taken on the preliminary peace which they brought over with them (25). These articles embraced in the main the provisions which were later embodied in a treaty between France and England. Edward was asked to return an answer to them within a month after Easter, but so much of the allotted time had elapsed before he was informed of what was expected of him that he was unable to call a Parliament, and the few members of the council who were with him were unwilling to give advice on a question of so much importance in view of the dilemma which confronted them: the danger of losing Guienne by confiscation if they accepted Charles's proposals; by conquest, if they rejected them. The King accordingly gave to his ambassadors new powers and instructed them to treat for a further extension of time and to grant, under certain limitations, the French demands (26).

On the basis of this action Charles appointed commissioners to treat for a final peace, and on May 31, 1325, a convention was signed at Paris, which Edward accepted at Westminster on June 13. By the provisions of this treaty the French King was put in possession of Guienne and was empowered to appoint a seneschal to act in his name and to establish the regular machinery of government. It was further agreed that the homage ceremony should take place at Beauvais not later than the following August, and that both sovereigns should be present unless prevented by illness or some other excuse equally as good. Edward was then to receive the territories which he had intrusted to the hands of the French sovereign, and was guaranteed full and speedy justice regarding the other lands in the duchy. In this connection it was determined that, if the disputed districts were given back to England, Charles should be recompensed for the cost of seizure; if it was decided that they should remain with France, he would remit all costs (27).

The article which required Edward to go abroad was little pleasing to the Despencers who were afraid to cross to France, or, in the absence of the sovereign, to remain in England where a conspiracy against them had recently been unearthed (28). When, however, the council met on June 25 its members advised the King to cross the channel, and expressed their

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fears to recommend anything else lest Charles should carry out his evident desire of confiscation, and they at some future day should be held responsible for the policy which had produced such baneful results (29). Edward, to the great distress of the favorites, accordingly made ready to leave his kingdom (30). But in the midst of his preparations he was taken ill, and on August 24 he wrote from the Abbey of Langdon, near Dover, to the French authorities, informing them of his condition and requesting that another day be set for the homage ceremony (31).

The Queen, who was as little pleased as the Despencers, with the prospect of meeting her husband in France, now came forward to make out of his failure to keep his engagements an opportunity to further her own designs. Until this time the chief charge against Edward had been that he had failed to render homage in person. That he should do so, was one of the provisions, as we have seen, of the recent treaty. But now, through Isabella's influence, without any suggestion from the King himself, and in the face of Edward's repeated declarations of his willingness to go to France, Charles, who had been clamoring so loudly for a personal interview, expressed his willingness to accept fealty from the young Prince of Wales if he should be sent to the Continent (32). Though Edward was at Dover ready to embark when this word came, he yielded to the persuasions of the Despencers and others and on September 10 he granted the entire duchy of Guienne to his son on the conditions named in the letter of the French sovereign. Four days later the young Prince rendered homage at Beauvais after a special dispensation, which was necessary on account of his youth, had been granted permitting him to do so (33).

On October 15 Edward wrote to the Pope informing him that he had made every effort for peace, but with what result he could not tell (34). His suspicions had been aroused in two directions. Though Charles IV had received homage for the entire duchy of Guienne he had failed to deliver up the Agenois (35), and Isabella had refused to return to England, though she had accomplished her mission in France (36). It is at this time that the Queen reveals her plans more openly, and though we can not in this article follow in detail her career on the Continent, events soon proved the truth of the

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popular belief that she would never return home so long as the Despencers retained their position of influence near the King (37). Her conduct is important for us here as it shows that England's foreign policy was still subordinated to the interests of the rival leaders of the court factions.

In December, 1325, Edward began a brisk correspondence with the Pope, the French King, and with his wife and son. His objects were to secure the return of the Prince with or without his mother and to establish the fact that he had done all in his power for the maintenance of peace (38). But peace could not be preserved, and so he reluctantly prepared for the other alternative. On March 18, 1326, he requested Charles to send his son back to England irrespective of Isabella's wishes in the matter (39). But this the French King refused to do on account of his pretended fear for his nephew's safety, though Edward still protested his love for his wife and showed that his son was too young to be held accountable for anything which had transpired (40). Under such conditions it was but a step to open hostilities, and that was taken on July 6, when Edward declared war against the French King for his detention of his wife and son and his hostile occupation of Guienne (41). Though he afterwards revoked these orders on receiving shadowy hopes of a possible friendly settlement, his action was in vain, for Charles, after having once led the English into war, was in no way inclined to lose the opportunity which was thus presented of furthering his own and his sister's fortunes (42).

Edward was soon forced, however, for another reason to stop all active measures of hostility against France. The details of Isabella's invasion and the masterly way in which she transformed it from an apparently righteous endeavor to free her husband from his unworthy favorites into a vindictive war against the husband himself, need not detain us here (43). The turn of events after Edward's forced abdication is, however, of more importance.

The conspirators, after having assured to themselves the rewards of the victory for which they had so long intrigued and sinned together, turned to foreign affairs. On February 4, 1327, orders were given to restore to the alien priories the lands which had been confiscated on account of the war with France (44), and shortly after preliminaries of peace were

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made (45). When we recall the true cause of this war, we are not surprised that an agreement was easily reached. Besides several minor provisions, each country promised to restore all conquests which had been made since the last treaty with Edward II (46). This was satisfactory so far as it went, but the unsettled condition in the Agenois still remained as a constant menace to permanent peace. For the time being, however, a graver danger threatened along the northern horizon, and the interest in England's foreign policy is transferred from France to Scotland.

On December 26, 1326, Mortimer had begun a series of attempts to gain a final peace with Bruce (47). Though the Scottish historians are inclined to construe these overtures as a declaration of war (48), there seems to be little ground for doubting their genuineness. Isabella and Mortimer were too recently installed in power to risk unnecessarily a foreign war whose successful issue depended upon the aid of barons whose allegiance was so divided as to render any enthusiastic support on their part very uncertain (49). Moreover, Isabella's cause had proven itself so popular in England that there was no need of the enthusiasm of a foreign war to gain the support of the nation. If such a need had existed, past experience and the commonest prudence would have suggested some other name than that of Bruce to lift to power through his misfortunes the aspirants for the control of English affairs. And finally, the very nature of the relations existing between the Queen and her paramour was such as to prevent any strong foreign policy, as this war and the French difficulties which came later abundantly proved. The "disgraceful peace" which closed the Scotch war was laid at Mortimer's door. It was an attempt to compromise between the older feudalism, "a sort of free citizenship in several states," and the growing national tendencies of the age. But, as in the case of France, these two conditions were irreconcilable, and the provisions which gave to James Douglas his estates in England and restored to Percy, Wake, and Beaumont their possessions in Scotland became the source of further trouble.

Before the storm which the treaty of Northampton called forth had subsided, Isabella, moved perhaps by what she considered to be her rights (50), or vainly hoping to regain her waning popularity in a cause which would appeal to the

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whole nation, involved England in another foreign controversy.

By the death of Charles IV, on February 1, 1328, the royal family in France was left for the third time in a little over a decade without a male heir in the direct line of inheritance. Two names for the vacant throne came up for consideration—Philip of Valois and Edward III of England.

In order to understand clearly the merits of their respective claims, it will be necessary to review briefly several questions which had already been decided regarding the rights of succession (51). From the crowning of Hugh Capet until the death of Philip the Fair the throne had never been left without a male claimant in the direct line, and even then there seemed little likelihood of such a contingency. Louis X was poorly qualified to rule over the double kingdom which fell into his hands, and his reign formed a fitting prelude to the era of discord and sorrow which was in store for France. Charles of Valois, who practically stood at the head of affairs, showed little ability or desire to check the reactionary feudal movement which had set in. Famine and pestilence spread their devastations far and wide, and the death of the weak ruler, on June 5, 1316, left the distracted country to face a condition which had not been before it since the days of the Carolingian Kings. The direct line was broken and the National Assembly was called together to settle the question of succession.

On hearing of his brother's death, Philip of Poitiers hurried to Paris with the intention of making himself master of the situation. In a concourse of barons it was agreed that the Queen, who was then with child, should be placed under Philip's care, with the understanding that he should act as guardian to the young King if Clemence should bear a son, but that he should become sovereign himself if she should give birth to a daughter.

Since no provision was made for Louis X's heiress, Jeanne of Navarre, Duke Eudes of Burgundy refused to consent to this arrangement until justice had been promised to his niece. On July 17, therefore, Philip made a separate treaty with him whereby he agreed to relinquish Navarre, Champagne, and La Brie on the understanding that the remainder of Louis's domains should be left to him. If, however, the Queen should bear a son this convention was to be held null and void.

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A boy was born on November 15, and although he lived but four days Philip judged his compact with Eudes to be abrogated and had himself crowned at Rheims during the following January. This ceremony, however, by no means established his claims. Eudes protested most vigorously, and Charles, Count of March, refused to be present at his brother's coronation. Such opposition caused Philip to feel the need of some formal recognition of his position, so he called together the States General. Though the third estate was represented only by the delegates of Paris, the decision which they rendered in favor of the new sovereign was considered final. The doctors at the university approved their action, and so was formulated the principal that no woman could succeed to the French throne (52).

But even yet Philip did not feel entirely secure. The death of his only son, however, tended to lessen the opposition of Charles. Burgundy's favor was purchased by a generous sum of money and a marriage treaty, and the recognition of the church and of Edward II was at last secured. So fully was this new principal of succession established that when Philip died in January, 1322, Charles IV succeeded without any opposition (53).

The new King, as has been shown, ruled until February 1, 1328. Like his brothers, he died with no son to inherit his throne. Though his wife was with child, a situation even more perplexing than in 1316 confronted France; for if the Queen should bear a daughter the male line of Philip the Fair would be extinct, and the throne must of necessity pass out of the Capetian family to some collateral line. Until the Queen should be delivered the question of the regency was the important one, although it was understood that the regent should become King in case a daughter should be born to the royal house. As, has already been stated, two names came before the States General for consideration. Edward's friends based his claim on the fact that he was the nearest male relative to the deceased King. The Valois party, starting with the admission that Isabella had no personal right to the throne, drew the conclusion that she could transmit no rights. This reasoning was approved by the majority and the regency was given to Philip. About a month later, on April 1, the

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Queen gave birth to a daughter and on May 29 Valois was crowned King at Rheims.

There was, however, no such unanimity of opinion over this succession as there had been in the case of Charles, and Philip was called upon to meet the opposition of Navarre and England. Even before the coronation at Rheims Edward had been led by his mother to express his intentions of recovering his inheritance (54), and on May 16, two days after the dissolution of the Northampton Parliament, commissioners were named to demand and receive for him all rights which he had as heir of the French Crown (55). Whether the English ambassadors reached France in time to present their claims before Philip's coronation is uncertain. If they did, their presence made little difference in the course of events.

Whatever Isabella's original designs may have been, the strained relations between herself and certain influential barons rendered her incapable of any decided action. As early as June 9 steps were taken toward a Flemish alliance, and until late in the autumn it looked as though war between France and England might break out at any moment. But on October 28 orders were given to return all goods captured from the French, and early in 1329 word was sent to Philip that Edward would render homage (56).

In order to understand this sudden change of front we must trace briefly the domestic history of England since the dissolution of the Northampton Parliament. The dissatisfaction caused by the Scotch treaty was soon fanned by Mortimer's arrogance into such open and bitter hostility to the court party that it became practically impossible to transact any public business. A council which convened in July accomplished nothing on account of the absence of so many of the barons (57), and a Parliament which was called at Salisbury, undoubtedly for the purpose of considering French affairs, merely conferred a few titles of nobility and adjourned to Westminster (58).

Outside of Parliament, however, the most momentous things were happening. The barons, roused beyond endurance, had at last declared war against the favorite. But the defection of Kent and Norfolk forced them for the time to give over the strife. Early in 1329 Lancaster and other influential leaders were received back into favor, though only at the price of half

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their lands. The minor conspirators sought safety on the Continent (59). The favorite had baffled his enemies, but he did not feel entirely safe, as events will show.

It was shortly after the overthrow of this conspiracy that the Queen was called upon to decide what attitude she would take toward the claim which she had put forward in young Edward's name to the throne of France. Philip of Valois immediately after his coronation had engaged in a war with the Flemings in behalf of their Count, against whom the sturdy burghers entertained the most righteous indignation. It is quite evident that the willingness of the new King to engage in this campaign was based as much on his desire to fortify himself in his new position by forcing his nobles to a practical recognition of his rights as their military leader, as it was upon any sympathy for an unfortunate vassal or any knightly ambition to punish presumptuous citizens (60). It was not, however, until the celebration at Paris which followed the victory at Cassel that Philip sent his first communication to Edward III. The refusal of the English court to give heed to this summons led Philip to consult with his ministers about the advisability of taking Guienne into his own hands. Following their suggestion, however, he simply appropriated the revenues of the duchy and sent a second embassy across the channel. He revealed his earnestness in the matter by threatening immediate action against Edward in case of any further neglect of duty and by ordering the men of Languedoc to invade Guienne if this summons was disobeyed (61).

This second call reached England early in February, shortly after the breakdown of the barons' conspiracy. It was not a time, therefore, when the Queen could count on any hearty sympathy and support if she should involve the nation in a foreign war. She was accordingly compelled to abandon her hostile attitude of the previous year, and promised to yield to the demands of the French King (62). On April 14 she wrote to Philip in her son's name that Edward had hitherto failed to render homage only because of dangers which threatened him at home, but that he would now do so in person, though trouble had not yet entirely ceased (63).

In view of the events which now transpired it was evident that the Queen had a double purpose in dispatching this letter. Her aim seems to have been to remove all ground for

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complaint by concealing the true motives which had hitherto directed her policy, and to explain beforehand any further delay by magnifying the difficulties in the way of the fulfillment of her promises. Relying, therefore, on the efficacy of this deception, the English court began most leisurely to plan for the young King's visit to France. Edward was not ready to sail until May 26, and even then he was not allowed to leave his country until a solemn, though secret, protest had been recorded that in rendering homage he did not intend to renounce his claims to the French throne, and that nothing but the fear of losing his continental possessions had induced the English authorities to yield at all to the demands of Philip (64).

In spite of the splendor of the homage ceremony its outcome was little calculated to satisfy either party. Though Edward was completely dazzled by the reception which he received, he was allowed to forget neither his mother's pretensions nor the just claims which England really did have in the matter. He consented to render general homage only, agreeing, however, to consult his records on his return to England, with a view to acknowledging liege homage if he should find that such was due (65).

But there was another question which was destined to cause even more trouble than the homage controversy. Edward demanded the restitution of the lands which had been taken from his father and requested that he be allowed to render fealty for them. Philip, however, denied this petition on the ground that these territories had been captured in war and so were the rightful possessions of the French Crown. It was finally agreed that Edward should take the oath for that part of Guienne which he then held, and that if in so doing he felt that he did himself a wrong he should bring the whole matter before the Parliament of Paris. The Bishop of Lincoln then announced that "whatever the King of England said or did, or anyone else for him, he did not intend thereby to renounce any right which he had or ought to have in the duchy of Guienne, and that no new rights should accrue in this way to the King of France." The oath of allegiance was then tendered in the ordinary fashion (66).

This was not a very satisfactory conclusion of the matter, but it was all that either side was willing to concede. In

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spite of Edward's personal enthusiasm over his visit, the English authorities evinced little desire to bring about a final adjustment of the questions at issue. Philip accordingly sent over a third embassy to inquire into the reasons for delay. This delegation remained in England for over a year (67). During this period Edward's court was agitated by strange events which were to put an entirely new face on England's foreign policy and lift it above the petty interests of factional intrigue.

The aim of Isabella and her paramour, ever since their unsatisfactory victory over Lancaster and his friends, seems to have been to stave off any final and definite understanding with France until another trial of strength with the barons had been made. This is clearly shown by the Amiens ceremony and the shifting policy which they adopted toward Philip's third embassy. Eight days after Edward's return from the Continent the warden of the Cinque Ports and others received instructions which seemed to indicate a desire to carry out the new treaty, and on September 20, 1329, the Bishop of Norwich was commissioned to begin negotiations which continued into the next year and seemed to possess a certain semblance of sincerity through a renewal of marriage proposals between the royal families. But as the struggle with Kent approached a successful issue and Mortimer began to show those symptoms which gained for him his title of "King of Folly," his tone took on another ring, and early in 1330 he almost came to an open breach with France on account of Alençon's too zealous behavior toward certain English forces which were collecting in the vicinity of Saintes (68). In January of this year, in a council at Eltham, where the final instructions had been given to the English commissioners, the King had been induced to demand a subsidy for a war with Philip in case he should decline "all reasonable terms of peace" (69). The refusal of the clergy to grant this request, even after the calling of the Parliament which condemned Kent, may account for Mortimer's hesitation just at this time. On April 10 he appointed new commissioners to Paris. His instructions to them show how little he really cared for peace, for though he empowered them to continue friendly negotiations and bear Edward's excuses for not appearing in person to plead his cause as he had bound himself to do, he commanded them to object to the jurisdiction of Philip and of his Parliament (70).

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In spite of this apparently friendly overture, Mortimer pushed his preparations for war with all diligence, and everything pointed to a speedy renewal of hostilities. But at this juncture what might almost be called the unexpected happened, save for the evident insincerity underlying it all. On May 8, at Bois-de-Vincennes, an agreement was reached which not only ratified the treaty which Charles IV had made with his sister in 1327, but also the one he had forced on Edward II in 1325 (71). Though this appeared to be a step in the right direction, two important questions still remained to be settled. The jurisdiction of the Agenois may have appeared to be one step nearer a solution, but nothing was said or done to help along the homage controversy, and on this point trouble came almost immediately. In view of the action of both countries before and after this treaty, we are hardly justified in assuming that the omission of this subject was due to any oversight. As has already been suggested, Mortimer's chief aim was to gain time. Philip seems to have had two ends in view. He had no intention whatsoever of releasing his hold on the Agenois, but by making an apparent concession he hoped, while in no respect weakening his own position, to open the way to a final adjustment of the homage dispute. He soon showed, however, that he would be satisfied with nothing less than liege homage, and cited Edward to appear before him on July 29 in the Parliament of Paris (72). Mortimer caused this summons to be utterly disregarded. On July 8, however, the same day on which the French treaty was ratified, he sent commissioners to Paris, though with no specific instructions on the great point at issue. Such silence, coupled with the fact that the Duke of Cornwall had crossed over to Guienne in the latter part of May, did not point a very brilliant future for the Bois-de-Vincennes agreement (73).

Edward's failure to appear in France in July induced Philip, on September 1, to send a second call for December 15 (74). This summons reached England shortly before Mortimer's fall. The favorite was well aware that there was some movement on foot against him, but his former victories had given him such a false sense of security that he continued to dictate his ambitious policy against France until his final disgrace (75).

Mortimer's overthrow is important in that it at last freed the young King from the evil influences which had surrounded

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his life almost from his very first introduction into public affairs. Edward's proclamation on October 20, 1330, that he intended henceforth to rule himself proved to be no idle boast, and the parliamentary writs which he issued on November 3 mark a turning point in the domestic as well as the foreign policy of his reign (76). After having inaugurated what appeared to be the most needed reforms at home the King set about of his own initiative to dispel the war cloud which hovered over England, and on January 16, 1331, he empowered the Bishop of Worcester to resume "amicable negotiations" with France (77). On March 30 he declared by his letters patent that he was bound to render liege homage to Philip and prescribed the form which he and his successors should use (78). Shortly after this, disguised as a merchant and accompanied only by his chancellor, his friend William Montacute, and about fifteen horsemen, he crossed over to France for the avowed purpose of performing an oath which he had taken at a time of great personal danger and attending to "certain other matters touching his own good and the welfare of his kingdom" (79). What these "other matters" were soon appeared, for on April 13 Philip issued a proclamation accepting the fealty of the English sovereign in the form already prescribed, and consenting to a number of arrangements, all of which were intended to create and maintain friendly relations between England and France (80).

Edward's evident desire on his return home to carry out not only the letter but the spirit of these conventions (81) leaves no doubt as to his sincerity in his homage ceremony and the consequent renunciation of all claims to the French throne (82); but in spite of these pacific measures Philip would come to no agreement about the restitution of the Agenois, and the English King was finally forced on July 16 to call a Parliament for September 30 to consider this matter (83). This meeting recommended a continuation of the peace policy already so happily inaugurated, and suggested some marriage treaty as a possible way out of the difficulty. In accord with this advice Edward appointed a commission to treat with France, and on October 25 wrote to the Pope, urging him to use his influence toward a friendly settlement of all questions in dispute (84). Meanwhile, trusting to Philip's sincerity, he was led to consider favorably a joint expedition to the Holy Land. Though the Parliament which was sum-

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moned considered this proposition favorably, it suggested a postponement for three years on account of the magnitude of the enterprise; but before that time had elapsed trouble with Scotland and the attitude of the French King had removed from Edward's mind all serious thoughts of a crusade (85).

But there was another question of more immediate importance which this Parliament had to settle. Philip had suggested to the ambassadors who had come to him concerning the Agenois that their master could gain better terms if he should cross over to France in person. Edward accordingly appointed a new commission to arrange for a meeting between himself and the French King (86). Before this delegation had accomplished anything, however, the English sovereign, not yet awake to Philip's ulterior motives against Guienne, had allowed his attention to be distracted from continental affairs, and when he was at last forced to take up these questions again matters were in such a condition as to preclude all hopes of a friendly settlement.

Very soon after his emancipation from his mother and her favorite, Edward turned his attention toward Ireland. The Parliament which condemned Mortimer to death passed a series of acts for this distracted country (87) and the one which convened in September, 1331, to consider French matters advised the King to assume personal charge of affairs in the island (88). On January 28, therefore, Edward began making preparations to go abroad, and named August 1 as the day for his sailing (89). But in the meanwhile came Philip's proposition to cross over to France, so on July 12, at Parliament's advice, he postponed his Irish expedition until the following Michaelmas (90). Eight days later, however, he called a meeting at Westminster for September 9, for the specific purpose of considering the Irish question (91). But when this date had arrived affairs in Scotland had assumed an aspect so favorable to his designs against that country that he determined to temporarily turn all his attentions towards the north, and Parliament, on his representation of the situation, urged him to merely send troops to Ireland, while he himself should hasten towards the borders (92).

It will be remembered that in the Northampton treaty a mutual restoration of confiscated estates had been agreed upon. The Scotch, though blameless in other respects, failed

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to carry out this provision. Edward, who shared in the general indignation over Mortimer's conventions with Bruce, still retained the conviction that he was rightful overlord of Scotland (93), and by skillful diplomacy converted Moray's hesitancy to regard the restoration clause into an opportunity for asserting his claim by force of arms. On December 20, 1330, he wrote to the Scotch regent reminding him of his obligations and urging a speedy adjustment of all disputes (94). This was the beginning of an extended correspondence in behalf of the disinherited barons (95). The fact, however, that Baliol, ever since 1330, had been a favored guest at the English court tended to discredit in the Scottish mind Edward's protestations of his altruistic motives (96).

Moray's evasive answers finally induced the barons to join themselves to King David's rival and an elaborate invasion of Scotland was planned (97). While this enterprise was preparing Baliol had an interview with Edward and promised to recognize him as overlord if he would aid him in this hazardous undertaking. The financial penalties involved in any fracture of the Northampton treaty prevented the English King from openly helping the conspirators. He did not hesitate, however, to render secret sympathy, and Baliol, thus left undisturbed to mature his plans, finally set sail from Ravenspur on July 31, 1332, and landed at Kingshorn on August 6 (98).

The flight of David Bruce to France and the astonishing series of events which resulted in Baliol's coronation on September 24 did not, however, create a stable throne, and the pretender, after the loss of Perth, recognizing his own weakness, threw himself, late in October, on the protection of the English King (99). As a result of a secret meeting with certain emissaries from the south (100) he acknowledged on November 23 that his success had been due to the suffrance of the English sovereign and to the aid which he had received from the subjects of that monarch. He promised, furthermore, to recognize Edward as his suzerain and rightful overlord of Scotland, and engaged to invest his new master with Berwick and other lands to the amount of £2,000 a year. The penalties which were imposed for any failure to carry out these and the other clauses of this agreement show how completely Baliol was under Edward's influence and painfully manifest

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his willingness to degrade Scotland in order that he might be permitted to wear a crown (101).

It is now necessary to trace in England the events which led up to these remarkable transactions. Though Edward, by his apparent anxiety over the peace on the border (102), undertook to create the impression that he was striving to maintain not only the letter, but also the spirit, of the treaty with Scotland, he immediately set about to gain every advantage which the situation might offer. While he was busily engaged in this double policy the Westminster Parliament came together to consider Irish affairs. The King, as we have seen, by magnifying the danger from the north, succeeded in having Scotch affairs placed before all other matters (103). On October 20, desiring to sound his estates again, he called a meeting at York for December 2. But he did not wait for advice from Parliament before making preparations to reap the rewards of his questionable diplomacy. As early as October 7 he had ordered troops to collect, ostensibly for "the defense of the marches" (104), but since, on account of the distracted state of affairs in Scotland, there could be little real danger of any attack from that country, his real purpose appears only at the York Parliament.

In addition to these military preparations, Edward had opened negotiations with both the Bruce and Baliol factions, with the evident intention of ascertaining what each would promise, so that he could shape his future policy accordingly (105). There is no record of the answer which the royal leaders returned to him, but it is evident from the subsequent course of events that, encouraged by their success at Perth, they failed to give any satisfactory response. We have seen, on the other hand, that Baliol, in his eagerness to maintain his position, consented to strip his throne of much of its honor and dignity, and professed to regard his kingdom as a fief of England.

It was shortly after these negotiations that the York Parliament assembled. Sir Geoffrey le Scroop, speaking for Edward, showed that he had carefully observed the injunctions laid upon him at Westminster, but that now, since he had learned that Baliol had made himself King, he wished to ask "whether he ought to go against Scotland himself and

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claim the demesne of that country, or whether it were best for him to make himself a party and take the advantage of regaining those services which his ancestors had before him" (106). Instead of answering this question, Parliament asked until January 3 to consider. The King granted this request and issued new writs to those who had failed to respond to his earlier summons (107). But he was not idle during this interval. On December 12 he issued a safe conduct for Scotch commissioners who were coming to ask aid for Bruce, and two days later he sent a delegation to try the temper of the patriot party. He then wrote to the Pope informing him that at the advice of his Parliament he had postponed his Irish expedition in order to be prepared in case of necessity to repel any invasion from Scotland (108).

Meanwhile, across the border, events were transpiring which were to materially influence the actions of the English King. On December 16 Baliol was surprised at Annan and escaped with difficulty into England (109).

When Parliament reassembled in January, 1333, it again refused to give any direct answer to the King, but advised him to refer the matter to the Pope and to the French sovereign (110). Edward, however, refused to do this, and, after informing the Scotch that he would give no aid against his disinherited subjects, he opened correspondence with Baliol, who on February 12 had asked for assistance and had empowered his ambassadors to swear to the promises which he had made during the previous year (111). The usurper was meanwhile preparing for a second invasion of the north, and on March 9 entered Scotland (112).

Not long after the departure of this expedition the opportunity for which Edward was so eagerly waiting arrived. Marauding bands of Scots crossed into England and plundered after the example which Baliol had set them in their own country, and the patriot leaders, incensed beyond endurance by Edward's two-faced policy, determined to retaliate. Their first endeavor ended in immediate disaster (113), and permitted the English King to drop the mask which had so scantily concealed his designs.

With the opportunity Edward was ready to act. As early as March 20 he had begun to collect forces and supplies, and when about to set out from Newcastle, mindful of the dangers

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which threatened Baliol's earlier movements, he besought the Count and commonalties of Flanders to prevent their citizens from aiding the Scotch (114). But the Bruce party had an ally of far more importance than mercenaries from the Low Countries, and Edward even now had experienced for the first time that interference with his plans which, as it grew more pronounced and gradually revealed its true purpose, compelled him to relinquish his endeavors to regain a supremacy already lost, and forced him to direct all his energies toward maintaining his control over his continental possessions.

Philip, who had furnished an asylum for David Bruce since Dupplin Moor, soon began active measures in his protégé's behalf, and early in 1333 he sent ambassadors across the channel. They appeared before Edward on the eve of his departure for the north. The substance of their message to the English sovereign appears in his attempt to justify himself for his proceedings by charging to his enemies the infraction of the treaty which had been made with Robert Bruce (115). He did not, however, stop his preparations because of this interference, and about the middle of May he appeared before Berwick (116).

The details of the long war which now ensued can find no place in this paper, save as they reveal Philip's endeavors to make out of them an opportunity to further his designs against Guienne. Notwithstanding Edward's protests that war had been forced upon him, the French sovereign failed to champion his vassal's cause. On the other hand, he began actively and openly to aid the Bruce interest. During the operations around Berwick he sent out a large fleet to support the defenders. Though on account of storms it failed to render any effective service, it nevertheless revealed to Edward what the future might bring forth (117). In spite of this fact, however, the English King, on his return southward after his victorious campaign, summoned a Parliament for September 19 to resume the thread of French affairs, which had been dropped at Westminister in 1332 (118). But Philip did not seem particularly desirous of encouraging negotiations, and an outbreak against Baliol's authority again drew Edward's attention toward Scotland. He did not set out on this new campaign, however, until he had appointed commissioners to treat concerning affairs in Guienne, and to arrange for a meeting

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between himself and the French King, where all questions, including that of the crusade, could be talked over (119). The only response to these overtures, however, was continued interference in Scotch affairs, and Edward was finally induced, in April, 1335, to grant an armistice, on the promise that the Bruce leaders would do the same (120).

Though the ambassadors whom Philip had sent to England at the Pope's request had been loud in their clamors for peace, their master gave little evidence of any desire that their endeavors should be successful (121), and the truce which was granted was in fact but little more than a preliminary to further hostilities (122). Edward, though he would not consider a permanent peace, was not, perhaps, unwilling to gain a temporary breathing spell in order to perfect arrangements which he had been endeavoring to complete under considerable difficulties (123); and the Scotch, who were in constant touch with the French emissaries, were undoubtedly glad of this opportunity to remove, if possible, the danger of divided counsels which threatened them at home (124).

During the campaign which followed the expiration of the truce the French King had an opportunity to show his hand more clearly. Even before the outbreak of hostilities Edward was called upon to look into the character of a fleet which was fitting out at Calais, and as early as July, 1335, and again during the year, he was forced to issue orders for the protection of his coasts (125). On July 7, Philip officially informed the English authorities that he was bound by treaty to render aid to the Scotch against them in case of a war. He, however, pretended a great desire for peace, and proposed that the whole Scottish question be referred to himself and the Pope for arbitration (126). This word reached Edward on August 20, two days after a treaty with Athole, whereby practically the whole of Scotland was placed under his control (127). It is not surprising, therefore, in view of Philip's behavior, that he declined to consider any propositions which he knew would result detrimentally to his own interests (128), even though he had but recently attempted to reach some friendly settlement about continental and crusading matters (129). The main object of the French King at this time seems to have been to shift upon his rival all responsibility for any hostilities which might ensue. How little he really cared for peace appears in a com-

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munication to the Pope. This letter is not preserved to us, but its tenor can be easily conjectured from the answer it received. Though Philip again urged his treaty obligations with the Scotch, he evidently made no suggestion looking toward arbitration, for Benedict exercised all his powers of argument to dissuade him from entering on a project whose outcome was so uncertain (130).

From this time forth the French King took no pains to conceal his hostile intentions, and by 1336 continental questions were so entangled with the Scotch controversy that any peaceful solution of the difficulty became practically impossible. As early as April of this year Edward had occasion to write concerning matters in Guienne, and when, on July 6, he appointed commissioners to treat of these affairs he empowered them to make terms, if possible, with David Bruce (131). But both the French and Scotch sovereigns refused to negotiate, and Philip unhesitatingly announced his intentions to aid the Scotch. Edward, accordingly, on August 24, summoned a Parliament for September 23 (132).

Though the French King spurned the first friendly advances which had been made to him, he afterwards pretended to be desirous of sending ambassadors to England, and Edward, on September 1, issued a safe conduct for the messengers which he thought were about to come to him. But the expected ministers never came, and Philip soon gave evidence that he had never intended to send them (133).

When Parliament assembled it granted a liberal subsidy, a step which was painfully necessary if the King was to maintain his position in the north, or was to ward off the danger which threatened him from over seas (134). As early as September 3 he had been forced to collect a fleet against a French squadron that was hovering off his shores, and in October he was compelled to again take personal direction of operations in Scotland (135). But his presence failed to create the same impression as in former campaigns. The regent, encouraged by hopes of foreign aid, kept the field (136), and, distracted beyond measure by the danger from the French which threatened both England and Guienne, Edward finally moved toward the south in order to be in closer touch with the defensive measures which he was compelled to institute (137).

Philip had set about his preparations to aid the Scotch

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in no meager fashion (138), and on December 10 Edward summoned his Parliament for the following January to take counsel concerning the dangers which threatened the realm. He was compelled, however, to postpone this meeting until February 9 (139).

In order to appreciate the action that was taken at this time, it becomes necessary to introduce a personage whose presence in England gave the French King his last excuse for pursuing the aggressive policy which he had adopted toward Guienne.

When the Count of Valois was consecrated as the legitimate successor of the last Capetian, one of the chief personages at the coronation ceremony was Robert of Artois. On account of a disputed succession in his county, however, the friendly relations existing between him and the new sovereign were soon converted into the most bitter enmity. Hounded from one continental state to another, Artois finally took refuge in England, where he soon rose high in the favor of the King. Encouraged by his friendly reception he requested Edward to gain for him the privilege of presenting his cause once more before the Parliament of peers. But when this was denied him, and Philip's persecutions continued, he undertook to arouse the animosity of his new patron against his old friend, and urged Edward to reassert the claims which Isabella had once put forward for him to the throne of France (140).

Though Robert failed to divert Edward's attention from Scotland, Philip succeeded most admirably in rousing his personal resentment in behalf of his protégé. On August 26, 1336, the pope sent messages to England to urge peace, but he plainly intimated that peace would be impossible so long as Robert of Artois remained at court. Edward, already wearied with his fruitless negotiations, accepted this statement as final. On December 26 Philip wrote to the seneschal of Bordeaux to say that his master was bound as a peer of France to deliver up Artois for punishment. As Edward paid no attention to this indirect summons, the French King, on March 7, 1337, issued a prohibition "to all men, liege or free, of whatsoever condition, whether living within or without the kingdom, from giving counsel, comfort, aid, or succor to Robert in any way whatsoever, or from allowing him

to remain in their territories" (141). But even before this he had given unmistakable signs of how matters must finally culminate; and Edward, having left the marchers to deal with affairs in Scotland, had consulted his Parliament concerning the dangers which threatened from abroad.

Unfortunately, no official reports of what happened at this time have come down to us, and we are compelled to look to outside sources for our information. Though it was evident that war with France was inevitable, and Edward, even while Parliament was in session, was called upon to institute new measures for the defense of his continental possessions (142), the magnitude of the enterprise, coupled with the unsettled condition of things in the north, enforced a careful and deliberate policy. Artois, whose animosity had by this time reached fever heat, induced Edward, by dint of continuous importunities, to question Parliament as to the propriety of reviving the old claims to the French throne (143). Before answering this question, however, or even considering the more general one of war with France, the estates suggested that the Count of Hainault be consulted in the matter. This nobleman, who had his own personal grievances against Philip, was in no way loth to see his enemy humbled. But he, too, recognized the seriousness of war, and so advised the English commissioners who came to him to seek the alliance of various continental states before taking any final step. Thus was inaugurated the policy from which Edward afterwards hoped so much, but actually gained so little. The King was not ready, however, even yet, to abandon all hopes of a peaceful settlement, so when he named his commissioners to the Continent he empowered them to treat concerning all questions then before the Parliament of Paris (144). From what afterwards happened at Valenciennes it is evident that he also gave them explicit instructions concerning Artois.

The first fruits of the endeavors of the English ambassadors was a conference of representatives from the Low Countries and Germany, which met at Valenciennes (145). Though Philip, yielding to papal influences, had promised to send delegates to Hainault, he failed to keep his word, and finally an embassy consisting of Jeanne of Valois, Sir John of Hainault, and others, was sent to inquire into the cause of his delin-

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quency (146). Meanwhile the Bishop of Lincoln showed that his master was not entering upon this war through ambition or vainglory, but that on the other hand he was most eager for peace, if peace could be gained on honorable terms and the English claims in Scotland and Guienne be preserved. The confiscation of Guienne, however (147), and the news that the French King would not consent to treat put an end to all hopes of a friendly accommodation, and early in June war actually began along the borders (148).

After the breaking up of the Valenciennes conference the English legates set about their business of gaining alliances in grim earnest, and, by playing upon the numerous causes of camplaint which existed against Philip, they succeeded, before their return home in August, in gaining a goodly number of promises of assistance from various nobles and princes in Germany and the Low Countries. Of especial importance was the compact made with the Emperor on July 13, whereby mutual aid was promised against all common enemies and especially against the King of France (149).

Meanwhile, Edward had not been idle. On June 8 he received word from his ambassadors, and four days later expressed his determination of crossing over to Guienne in person. Before he was able to carry out this idea, however, events had transpired which materially changed his original plans for a campaign (150).

The return of the ambassadors from the Continent put new vigor into the King's preparations. On August 18 he summoned a Parliament for September 26 to provide for the government of the realm during his absence in Guienne, and on the 21st, and again on the 28th, he issued what might be called his first declaration of war (151). On the 26th he ratified the treaty with the Emperor and various other conventions which the Bishop of Lincoln had made (152).

These documents are important as revealing Edward's position on the eve of hostilities. His real reasons for entering upon the war appear in his letters to the nation, and are simply the old complaints which he had been compelled to make so many times before: the persistent aid which the French extended to the Scotch, and their unveiled efforts to confiscate Guienne. It is important to note also that he still applied to Philip the title King of France, thus clearly indi-

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cating that he had as yet no serious intention of claiming that dignity for himself. This is quite evident in spite of the fact that at this very time, in his letter to the Emperor, he writes of Philip as "calling himself King of France" (153). This is the first intimation that he had any intention whatsoever of questioning that monarch's right to the throne. In determining his motives several things must be taken into account. The fact that he did not again employ this or any similar expression for so long a time creates a strong presumption, at least, that at the beginning of hostilities he attached very little importance to it in his own mind. A careful analysis of subsequent events confirms and strengthens this view. As we have just seen, Edward, in his letter of August 28, did not in any way make Philip's title a cause for war, nor did he, save on one occasion, under the spur of Artois's influence, and in his correspondence concerning his foreign alliances, make any intimation of this sort until after he had quartered the French and English arms. Now, it will be shown that this last step was a war measure pure and simple. There is little reason for interpreting the earlier hints in any other way. It must be remembered that Edward was seeking aid among those who, for various causes, were nursing grievances against Philip. His own particular complaints in Scotland and Guienne would be of little interest to his allies. A promise, as King of France, to remove theirs might prove a strong bond of union.

On September 19 John de Thrandestone arrived in England (154), and in view of the news he brought with him Edward determined to postpone for the time his expedition to Guienne. Though the Parliament which met at Westminster proposed vigorous measures, and the King was disposed to listen favorably to the entreaties of his allies to cross over sea, it was determined to make one last endeavor to gain by negotiation what, in view of the ever closer union between France and Scotland, appeared so hazardous to attempt by war. On October 3, therefore, Edward commissioned the Bishop of Lincoln and others to treat for a settlement of disputes in Guienne, and if possible to arrange a truce or a final peace with both France and Scotland (155). Fearful, however, of the results of this mission he empowered them to negotiate for further alliances on the Continent (156). The next day, the

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same on which Parliament adjourned, the English delegates received their credentials and departed from London (157). Before they left the country, however, the King was led to take a step of quite a different character.

Robert of Artois had been among the first to welcome back to England the men who had been sent to try the temper of the rulers in Germany and the Low Countries, and he had been an interested observer of events since their return. Now, in the instructions which the Westminster Parliament gave to the Bishop of Lincoln and his colleagues, Philip was styled "the illustrious King of France." This was directly opposed to Count Robert's advice, as we know, and not at all in keeping with the precedent established in Edward's letter to Louis of Bavaria. It is this backward step, as it undoubtedly appeared to Artois, that probably explains the peculiar scene which now transpired. In a banquet at London, Robert, by means of ingenious taunts, succeeded in inducing the King to swear in a decidedly braggadocia manner that before the year had passed he would install his wife as Queen of France, though he could muster but one man to Philip's four (158). In accordance with this oath, therefore, he instructed his ambassadors to bear his defiance to Philip (159), and named the Duke of Brabant his vicar in France (160).

While these things were transpiring in England papal emissaries were busy at the French court, and finally persuaded the King to stop all hostile operations against Guienne from October 4 till the following Christmas if Edward would not invade Scotland or France. Unfortunately the appearance of the English ambassadors just at this juncture created the impression that active measures were in preparation, so Philip sent the Count of Alençon to guard his coasts from hostile attack. But the expected invasion did not come, for a combination of circumstances prevented Edward from crossing the channel (161).

The first interruption came from the Scotch, and finally, on January 4, 1338, Edward began active measures against them. It was not until April that he abandoned what turned out to be a very unsatisfactory campaign in order to give his undivided attention to France (162). Meanwhile another influence was at work which illustrates his attitude toward Philip even as clearly as the precedence which he gave to Scotch over

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French affairs. Late in September or early in October, 1337, Edward learned that papal messengers were about to come to England. Knowing their mission and wishing to justify himself for the steps which he had taken, he wrote to Benedict to explain why he had declared war and had allied himself with the Emperor. This letter is important as revealing his real attitude toward the claims which he had so recently made. If he had been possessed by the sincere conviction that Philip unjustly occupied the French throne he would have made this a principal cause for hostilities. He, however, merely repeats the phrase used in his treaty with Louis, and elaborates as his genuine grievances the French aid to the Scotch and their unwarranted attacks on Guienne (163).

The arrival of the papal legates about the middle of December produced a decided, though temporary, influence on affairs, and illustrates how great was the Pope's power even during the Avignon period. On December 10 the King summoned a Parliament for February 3, 1338, to consider Benedict's proposals, but meanwhile, on the 24th, probably having been informed of Philip's consent to an armistice, he agreed not to invade France until March 1 (164). His willingness to make this concession at this advanced stage of affairs is worthy of note, for in addition to his complaints in Guienne, his wrath had been aroused in another direction.

Ever since 1315, when Louis de Nevers had submitted to the French King, the interests of the Flemish people, had brought them into sharp conflict with their Count. The battle of Cassel had not tended to heal this breach (165); and with the growing trouble between France and England, Flanders, with its turbulent internal history, became an important factor in the contest. The constant uprising against the Count's authority exasperated him beyond endurance, and, unmindful of the interests of his people and desirous only of pleasing his royal friend at Paris, he ordered, in 1336, the arrest of all English subjects in Flanders. Edward immediately retaliated. On October 5 he ordered the arrest of all Flemings wherever found within his borders, and on the 18th, after sending a protest to Louis for his behavior, prohibited the export of wool to Flanders until he could learn the result of his letter (166). So rigorously did he enforce this injunction that he would not grant the request of the Duke of Brabant to estab-

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lish a staple in his country until he had promised that the Flemings would in no way benefit by such a concession (167). The greatest distress immediately prevailed in the large manufacturing cities, but the Count would not yield though Edward was most eager to gain his friendship (168). The English King had been advised of the importance of gaining the Flemings as his allies in the approaching war with France, so when he sent his commissioners to the Continent in 1337 he gave them letters of credence to Louis of Crécy and to the commonalties of Bruges, Ghent, and Ypres (169). The inhabitants of the cities received them cordially, though the Count remained as hostile as before. At Ghent, particularly, party feeling ran high, and when Edward's ministers reached the city they were accorded a hearty welcome by both the aristocratic and popular parties, which were at this time united in one common hatred against their ruler (170). Sohier de Courtrai, who seemed to act as their representative, not only declared for an English alliance, but justified this action on the ground that Edward III was rightful King of France (171). He did this undoubtedly in the hopes of interposing between the city and its Count an overlord whose own interests would work for both the industrial and political well-being of the people. The subsequent arrest and death of Courtrai and the formation of a closer alliance between Louis and his protector quashed, however, for the time being, all hopes of aid from this quarter (172).

Louis, who saw with deep concern the efforts of the English negotiations on his people, sent his natural brother to fortify the island of Cadsand (173), with the evident intention of intercepting the Bishop of Lincoln and his colleagues on their way home, and of checking, as far as possible, any further communication with the Continent. This occupation seriously interfered with Edward's plan of exporting wool to Brabant (174), and Sir Walter Manny was accordingly instructed to oust the Flemish garrison. He captured the island on November 10 and took Sir Guy a captive to England (175).

In spite of Edward's concessions, the year 1338 brought small hopes of peace. Though he extended the truce until June 24, and further agreed not to invade France at all until due notice had been given, he granted these terms rather through papal intervention than because of any lively hope

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that at this late day hostilities could be avoided. He therefore continued his preparations for war (176), and the Parliament, which assembled on February 3 to consider French affairs, informed the cardinals that there could be no final peace with Philip until he had returned the lands in Guienne, which he had unjustly held for so long a while (177).

Meanwhile Philip was giving ample evidence that there was but little likelihood of his ever agreeing to these conditions. As early as January 8 Edward was forced to ask the commonalty of Genoa to prevent the sailing of certain galleys, which were being fitted out for his enemies (178). He was soon called upon to face a more serious danger. Philip, evidently eager to gain possession of Guienne before it could be defended from abroad, collected an army in Languedoc, and in April entered the Agenois (179). In March Edward, who was then at Berwick, learned that a combined French and Scotch attack was being planned against his coasts, and on the 23d of this month his enemies sacked the city of Portsmouth (180). In view of these facts, it is not surprising that, though he still paid deference to papal influence (181), he also continued preparations for war (182). Finally, on May 6, wearied by his useless efforts, he declared the truce to be revoked, since Philip refused to observe it (183). From this time forth he pushed his plans for crossing the channel, and on July 16 he set sail from Orwell. Six days later he landed at Antwerp (184).

When Edward reached the Continent he lost no time in taking up the business for which he had come. After having annulled a commission, which he had granted on June 21 at papal intervention to treat with Philip "as King of France," he set about strengthening his alliances for the campaign upon which he was so eager to enter (185). But his enthusiasm was by no means shared by those on whose aid he had counted so much. Disappointment met him almost at every turn. His allies at first hung back because of the nonpayment of their promised subsidies, and he was forced to adopt severe measures to secure the wool which was to remove this difficulty (186). Then the Duke of Brabant developed a fatal facility in inventing excuses for delay and had to be further bribed by generous commercial privileges (187). But even this failed to be effective, and finally the princes shifted their

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responsibility by telling Edward that he must secure authority as imperial vicar before they could render him active service. The King accordingly set out for Coblentz and met the Emperor late in August or early in September. The negotiations which followed are significant (188). Louis, angered by French encroachments on the Empire and roused as well by Philip's duplicity as by papal animosity toward himself, was not unwilling to strengthen the treaty already made with England, and Edward skillfully played upon his friend's resentment in order to subserve his own ends. Philip was made out to be a usurper, not only from the English, but also from the German point of view, and Edward was commissioned by the "defender of justice in all Christendom" to punish him for his crimes. He accordingly arranged a campaign for the following July, ostensibly for the recovery of Cambrai, which the French unjustly occupied.

There now lay before the English King a winter of forced inactivity, during which he strove most earnestly but in vain to gather military capital for himself. Though a few unimportant alliances were negotiated, the Flemings, whose aid Edward, as we have seen, had early sought to gain, refused to identify themselves with the English cause (189). Meanwhile Philip and the Pope, through active military operations (190) and incessant intrigue, endeavored to weaken his position. Shortly after his return from Coblentz, Benedict remonstrated with him for daring to enter into an alliance with Louis (191). Moved by this protest, he consented, on November 15, to enter into further negotiations with "our cousin" who "calls himself King of France" (192). On December 15 he accorded to Philip the title King of France (193). But these proceedings simply furnished one more instance of the respect paid to papal influence and revealed the utter hopelessness of any peaceful accommodation.

During this same period, also, Philip was conducting a little negotiation on his own account, and with such success that for a while he detached the Emperor from the English alliance. Edward's braggadocio remarks (194) when he heard of what was going on serve but to bring out into clearer relief the chagrin which he had felt ever since he had discovered on what unstable foundations his hopes for aid against the French were laid (195). Under these conditions it is easy to imagine his

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impatience as the day set for the meeting of his allies drew near. On July 16, 1339, before leaving Antwerp for Vilvoorden, he sent to the Pope and college of cardinals an elaborate justification of his claims to the French throne (196). The date of this letter, coming on the eve of what he undoubtedly trusted would be a decisive campaign against Philip, is significant, and points to the conclusion that while Edward aimed to silence Benedict he also hoped to remove as far as possible from the minds of the princes whatever scruples might remain to prove a barrier to their efficient service.

The effect on Edward of this first invasion of France must have been very similar to that produced by his early boyhood's experience against the Scotch. It was not until September 20 that his columns were ready to advance, and, though he counted the Emperor's men in his ranks (197), the Duke of Brabant refused to join him until Cambrai had been formally invested. When this siege was raised and Edward had crossed the ancient borders of the Empire into France, the Counts of Namur and Hainault refused to advance any farther against their feudal suzerain. When Philip persistently declined a pitched battle others of the princes deserted the English ranks, and, on account of the time of year, there was nothing left for Edward to do but to return to Antwerp, where he arrived late in October (198). The prospects of another idle winter, with no better material upon which to build up his plans for a second campaign than that which had already proven itself so uncertain, must have been little pleasing to one of Edward's nature. But, all unknown to himself, new allies were being prepared for him by the short-sighted policy which Philip had recently inaugurated toward the Flemings. In spite of his first failure Edward had not yet utterly despaired of bringing Flanders to his side. Following his feudal prejudices, however, he still strove to win the favor of the Count, but yielding to military necessity, he also opened negotiations with the towns, and they now rallied to his support.

The welcome which Sohier de Courtrai had accorded to the English ambassadors in 1337 revealed to Philip how natural it was for the "good towns" to formulate a political program in accordance with the dictates of their commercial interests (199). He accordingly urged upon the Count the advisability of winning their fidelity (200). The favors, however, which

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were heaped upon Bruges did not pacify Ghent, which, after all, proved to be the center of opposition. The stoppage of the English wool had created a business stagnation which was now resulting in starvation; and finally the people of the city were led to seek the advice of James Van Artevelde, who persuaded them to assume a neutral policy toward the great struggle which was beginning to surge around their borders, in the hopes that each contestant would force the other to respect their position. They would thus escape the ravages of war, and prosperity would gradually return to them. Shortly after this Van Artevelde was elected captain of St. John (201).

Philip, recognizing the importance of the action of the Gantois, immediately instituted repressive measures. He ordered their goods at Tournay and other places to be seized, and on January 12 summoned his forces to meet at Amiens at the middle of Lent. Recognizing, however, the difficulties in the way of an effective campaign, he soon adopted a temporizing policy. Meanwhile at Ghent itself events soon convinced the citizens of the wisdom of their policy. On February 1 representatives of the city had visited the Count of Gueldres, who was Edward's representative on the Continent, and gained from him a provisional promise of wool through Dordrecht. The Count in a Parliament at Bruges was compelled to agree to this arrangement, and in March the first consignment arrived. Edward, who hoped to make out of this small beginning a political alliance with Flanders, wrote most cordial letters to the towns on May 8 (202) expressing his desire for some permanent treaty. Delegates accordingly met at Antwerp. The Flemings, however, would agree only to a commercial compact which, among other things, recognized the neutrality of their country. This was signed on June 10 and accepted by Edward on the 26th (203). Meanwhile Van Artevelde's policy received its full vindication by a promise which Philip made at Paris on the 13th to a similar agreement (204). So eager were the townspeople to maintain their position that when Edward, in his passage to the Continent, undertook, in direct contradiction to his promises, to stop at Sluys they collected, under the leadership of the captain of St. John, to prevent his landing (205).

The first serious complication in this plan "to restore peace,

liberty, and trade to the land" (206) came when the English King was made vicar of the Empire. Count Louis sent delegates to the meeting which Edward called at Mechlin soon after his return from Coblentz and announced his intentions to render all the services which he owed as lord of imperial Flanders. After that, however, he failed to respond to any advances (207), and the cities, as we have already seen, could not be tempted to abandon their neutral position, though the Emperor agreed to conquer for them Lille, Douai, and Bethune, and Edward promised not only to reëstablish the staple among them, but as King of France to remove all the evil measures under which they were laboring (208). The first influence to destroy this situation came from Philip.

Early in 1339 the French King again recognized the neutrality of the towns, though he was undoubtedly aware that at that very moment secret measures were under way which would render neutrality impossible. Certain "leliaert" knights had organized in Lille, Douai, and S. Omer for the purpose of overthrowing Ghent and its confederates. At Dixmund, on their way to Bruges, they were joined by Count Louis, who had come from Tournay, where a French army was being collected for the evident purpose of taking advantage of any favorable situation which this enterprise might create. Though the Brugeois easily warded off the danger which threatened them, the faith of the towns in the French King was rudely shaken, and in their protests they demanded the restoration of Lille, Douai, and Bethune, which Edward had so recently promised them. Though a definite answer was not given them, fear of an English incursion made caution necessary, so a general promise that they should receive justice was made. On October 23, while Philip was facing Edward's hosts near Flamengerie, the towns collected their forces, with the evident intention of attacking Lille and Douai if the English were successful, of defending themselves if the French were victorious. At this juncture the Count, apparently recognizing the danger of an English alliance (209), in view of the strained relations then existing with France, hastened to Courtrai and called a Parliament for October 21 for the ostensible purpose of informing the towns that Philip had consented to their demands (210). The popular leaders, including Van Artevelde, fell into the trap. When the repre-

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sentatives of the cities came together, several days were wasted in useless discussion, and when Louis heard of Edward's withdrawal he hastened into France. Chagrined at their own credulity and led by the invasions which now began on the French borders to see how lightly Philip regarded the neutrality which they had striven so strenuously to attain, the Flemish leaders were prepared to listen with willing minds to the new propositions for an English alliance, which soon came to them.

The English King had returned to Antwerp after his fruitless campaign with a quickened sense of the absolute need of winning the strength of Flanders to his side (211). At a meeting of the allies on November 12 it was determined to make one more trial in this direction (212). Edward, however, moved by feudal prejudice, could not yet abandon the idea of gaining Louis's coöperation. On the 13th, therefore, he sent offers of a matrimonial alliance to him. But at the same time recognizing that the real strength lay in the cities, he promised them that as King of France he would not only maintain their ancient privileges, but would also grant them new ones. Then, as he had done before, he assured them that he would restore Lille, Douai, and Bethune, and finally agreed to use his influence toward removing the papal bans which Philip had caused to be placed upon them (213). On the 15th he commissioned Brabant to treat for alliances and for the redress of grievances at Cadsand (214). The first fruits of these proceedings was a treaty signed on December 3, which provided for mutual aid between Edward and Brabant during the war and established extensive commercial privileges between Brabant and the Flemish cities (215). The respect of the townsmen for the letter of legality was what apparently prevented them from going any further at this time, for Van Artevelde informed Edward that if he would formally assume the title and arms of France the people would loyally support him. On January 4, 1340, therefore, Edward sent commissioners to Ghent to consider this matter (216). A little later he visited the city himself, and at Artevelde's advice (217) quartered the arms of England and France. But as the Flemings were not satisfied without a title, so Edward was not fully content without their Count. On the 26th, there-

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fore, by the first public utterance in which he used his new signature as King of France, he released Sir Guy (218), who had been his prisoner ever since the battle of Cadsand. Like his previous attempts at conciliation, however, this was a failure.

Though, as Froissart says, Edward hesitated to fully claim what he knew to be merely the shadow and not the substance of power, he was finally forced to do so by the pressure of military necessity. That he was inclined to consider the step somewhat seriously when once he had taken it is shown by his care to explain the whole proceeding to his English Parliament (219). But that he did not count Philip's position on the French throne as a fundamental cause for the war is shown by the ease with which he discarded his new title at the treaty of Brétigny for complete supremacy in Guienne and for the commercial advantages which came with the retention of Calais (220). This latter fact, taken in connection with a proposition for a uniform currency for Flanders and England which was made in 1343, brings out a phase of the Hundred Years War which has generally been overlooked (221).

In conclusion, it appears that Edward in his wars with both Scotland and France was striving to maintain what he thought to be his rights. In the first case he was on the offensive to regain a supremacy of which he felt himself unjustly deprived by his mother's paramour; in the second, he was on the defensive to retain an inheritance which had come to him from his father, though, as we have seen, in an unsettled condition on account of the controversies of Edward II's reign. The main charges, then, which can be preferred against him during the early years of his reign, are simply these: his questionable diplomacy preceding the Scotch outbreak and his inability to foresee the ultimate failure of both his northern and continental struggles in view of the rising spirit of nationality which was just at this moment beginning to manifest itself in Europe. But our judgment in the first instance should be tempered by considering the political morality of the age in which he lived, and in the second by remembering how very few men can read correctly the signs of the times in which they themselves are moving.

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NOTES.

[For list of authorities, with their abbreviations, see p. 581.]

(1) Foed., ii, 483–563.
(2) Foed., ii, 478; Rolls of Parl., ii, 3–5; Troke., 124.
(3) Murim., 40; Foed., ii, 530.
(4) Foed., ii, 521.
(5) Murim., 40; Moore, 305.
(6) Murim., 42.
(7) Blanef., 144–145.
(8) Parl. Writs, ii, Div. II, 286–288, 289, 291.
(9) Foed., ii, 545–547.
(10) Foed., ii, 551.
(11) Blanef., 145; Foed., ii, 555–560.
(12) Foed., ii, 563.
(13) Foed., ii, 563, 573–574.
(14) Foed., ii, 563.
(15) Ann. Paul., 307; Foed., ii, 581–589.
(16) Murim., 42.
(17) Foed., ii, 600–601.
(18) Foed., ii, 579.
(19) Foed., ii, 591.
(20) Foed., ii, 579.
(21) Ann. Paul., 258–262.
(22) Moore, 306.
(23) Foed., ii, 595.
(24) Ann. Paul., 308; Auc. Brid., 85.
(25) Foed., ii, 596.
(26) Foed., ii, 597–599.
(27) Foed., ii, 601–602.
(28) M. Malmesb., 280.
(29) M. Malmesb., 282–283.
(30) Foed., ii, 603–604.
(31) Foed., ii, 604.
(32) Et, de nouel, nous, a la requeste de nostre treschere soer, * * * en cas que le dit Roi d'Engleterre transportera en nostre chere neveu, Edward, * * * tout le droit, q'il a es terres * * * Foed., ii, 607. * * * Intercedente matre * * * Nang., ii, 60.
(33) Foed., ii, 607; Murim., 44.
(34) Foed., ii, 611.
(35) Foed., ii, 611; M. Malmesb., 285.
(36) Avesb., 281; Moore, 307; Murim., 45.
(37) M. Malmesb., 279.
(38) Foed., ii, 615–616.
(39) Foed., 622–623.
(40) Foed., ii, 625–629.
(41) Foed., ii, 633.

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(42) Foed., ii, 633–634.

(43) Foed., ii, 645, 649; Wals., i, 181–186; Moore, 309–310; Apol. Ad. Orl. in Decem Script., col. 2766; Parl. Writs., ii, Div. II, 350–351, 354, 364; Ang. Sac., i, 367–368.

(44) Foed., ii, 684.

(45) Foed., ii, 693–694.

(46) Foed., ii, 700–703.

(47) Foed., ii, 649.

(48) Burton, ii, 297; Tytler, i, 336.

(49) Avesb., 283.

(50) Eodem anno mortuus est rex Franciæ * * * Audiens autem rex Angliæ mortem avunculi sui * * * et reputans se de jure proximum heredem * * * timens etiam nihilominus quod illi de Francia hunc non permitterent, sed alium * * * in regem eligerent * * * de consilio pessimo matris suae et domini Rogeri de Mortuo-mari, qui erant ductores præcipui regis * * * remittere Scotis est compulsus per cartam suam publicam omnem exactionem, jus, * * * Causa antem, vel potius color, quare ista remissio vel gratiosa concessio fuit facta Scottis, [scilicet, quod haberent regnum suum libere et non tenerent illud de aliquo rege Angliæ sicut de domino capitali], erat quia nisi rex prius fecisset pacem cum Scottis non potuisset Francos, qui eum exheredaverant, impugnasse, quin Scotti Angliam invasissent. Lanercost 261–62; see also Foed., ii, 736, 737, 742.

(51) Monod, La Légende de la Loi salique et la succession au Trône de France, Rev. Crit. d'Hist. et de Litt. Dec. 26, 1892, pp. 515–520.

(52) Martin, Hist. iv, 531, n. 1; Nang., i, 426–432; Bouquet, xxi, 45–47; Glasson, Droit et Inst. de la France, v. 417, is quite incorrect in saying "Mais les États Généraux décidèrent, en invoquant la loi salique, que les femmes étaient absolument excludes du trône de France." He has evidently made the mistake of reasoning from similarity to identity. There is no explicit reference to the Salic law until the latter part of the fourteenth century. See in this connection Monod and Viollet, L'acad. des Inscr. et Belles Lett., Comptes Rendus, Dec. 9, 1892, p. 386.

(53) Nang., ii, 2, 9; Martin, iv, 550; Sismondi, ix, 353–354; Rayn., xv, 149, sec. 6, 1317; Foed., ii, 304.

(54) Foed., ii, 736–737.

(55) Foed., ii, 743.

(56) Foed., ii, 753, 760; Frois. (Luce), i, 92.

(57) Report on the Dignity of a Peer, i, 492; Calendar of Close Rolls, Edw. III, 1327–1330, 412.

(58) Cal. of Close Rolls, Edw. III, 1327–1330, 412, 522; Foed., ii, 752, 756; Calendar of Patent Rolls, Edw. III, 1327–1330, 359.

(59) Rolls of Parl., ii, 52, no. 1; Knight., i, 451.

(60) Nang., ii, 91–92.

(61) Nang., ii, 105–106; Sismondi, x, 26, quoting from Vaisette, Hist. de Languedoc; Récits d'un Bourg. de Valen., 153; Chron. Reg. Franc., ii, 11.

(62) Frois. (Luce), i, 92.

(63) Foed., ii, 760.

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(64) Foed., ii, 764; Rayn., xvi, 113, sec. 11, 1340.

(65) Frois. (Luce), i, 95–96.

(66) Nang., ii, 107; Murim., 58–59; Foed., ii, 765.

(67) Frois. (Luce), i, 96–97.

(68) Foed., ii, 766, 768, 772, 775, 777–779; Nang., ii, 122.

(69) * * * si forsan idem Rex vias pacis rationabiles recusaret. Foed., ii, 783.

(70) Foed., ii, 785–786.

(71) Foed., ii, 791–792.

(72) Foed., ii, 797.

(73) Foed., ii, 793–797.

(74) Foed., ii, 797.

(75) Foed., ii, 798–799.

(76) Foed., ii, 799.

(77) Foed., ii, 805–806.

(78) Foed., ii, 813. As far back as April 22, 1329, even before Edward's visit to Amiens, an order had been given to the treasurer and chamberlain to receive from the keeper of the privy seal all documents relating to the dispute with France (Foed., ii, 761). In view of this fact and also of Edward's early acknowledgment of liege homage, Isabella's pretensions seem less excusable than they otherwise would have been, for we can hardly assume that she was acting in ignorance of the real situation.

(79) Foed., ii, 815–816; Murim., 63.

(80) Foed., ii, 816.

(81) Foed., ii, 819–822.

(82) The various measures for preserving the friendly relations between France and England which were made at this time are the result of Edward's personal initiative, and are important as revealing his attitude toward the French question.

(83) Rep. on the Dignity of a Peer, i, 492, App., 403.

(84) Rolls of Parl., ii, 60–61, nos. 1 and 2; Foed., ii, 827.

(85) Rolls of Parl., ii, 65, no. 9.

(86) Rolls of Parl., ii, 65, no. 10; Foed., ii, 837–838.

(87) Foed., ii, 811–812.

(88) Rolls of Parl., ii, 61, no. 3.

(89) Foed., ii, 831.

(90) Foed., ii, 840; Rep. on the Dignity of a Peer, App., 413; Rolls of Parl., ii, 65, no. 10.

(91) Rep. on the Dignity of a Peer, i, 492, App., 411.

(92) Rolls of Parl., ii, 66, no. 3.

(93) Avesb., 286–296.

(94) Foed., ii, 804.

(95) Foed., ii, 806–837.

(96) Foed., ii, 795–796; Holinshed, England, ii, 600.

(97) Leland, Coll. (Scala chronica), ii, 552, 553; Murim., 66; Knight., i, 462; Ann. Paul., 357.

(98) Boece, ii, l. xiv, c. 2, pp. 414–415; Knight., i, 461–462; Fordun (Goodall), 304, (Skene), i, 354; Murim., 66.

(99) Foed., ii, 847.

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(100) Foed., ii, 847.
(101) Foed., ii, 847–848.
(102) Foed., ii, 843.
(103) Rolls of Parl., ii, 66, no. 3.
(104) Report on the Dignity of a Peer, i, 492, App., 416; Foed., ii, 846.
(105) Foed., ii, 847, 860.
(106) * * * lequel il se devoit trere vers Escoce en clamant le Demeigne de meisme la terre, ou de soi faire partie a prendre l'avantage d'aver en Service come ses auncestres avoient. * * * Rolls of Parl., ii, p. 67, no. 1.
(107) Report on the Dignity of a Peer, App., 418; Rolls of Parl., ii, 67, no. 1.
(108) Foed., ii, 849.
(109) Fordun (Goodall) ii, 307–308, (Skene), i, 356; Wyntoun, ii, 394–395.
(110) Rolls of Parl., ii, 69, no. 7.
(111) Leland, Coll., ii, 553–554; Foed., ii, 853.
(112) Auc. Brid., 110–111; Hemingb., ii, 306–307.
(113) Knight., i, 465–467; Hemingb., ii, 307.
(114) Foed., ii, 855, 860; Rot. Scot., i, 233.
(115) Foed., ii, 860.
(116) Rot. Scot., i, 238.
(117) Rot. Scot., i, 252.
(118) Report on the Dignity of a Peer, i, App., 427.
(119) Foed., ii, 894–895.
(120) Foed., ii, 904; Rot. Scot., i, 335.
(121) Rot. Scot., i, 305, 309, 320, 322.
(122) Rot. Scot., i, 336–356; Foed., ii, 905–907.
(123) Rot. Scot., i, 283–321; Foed., ii, 898–901.
(124) Rot. Scot., 322, 327; Foed., ii, 903; Fordun, (Goodall) ii, 317.
(125) Rot. Scot., i, 357–375; Foed., ii, 911, 917, 919.
(126) Acts of the Parl. of Scotland, xii, suppl., 5a–7a; gives this treaty in full. It was signed by Charles IV in April, 1326, at Corbeil. The force of this compact was recognized in the treaty which Mortimer made with the Scots after Edward's disastrous campaign in 1327. Philip's disinterestedness, however, is strongly discredited by his actions in connection with Guienne and the evident insincerity of his peace projects.
(127) Avesb., 298–300.
(128) Auc. Brid., 125–126.
(129) Foed., ii, 914–915.
(130) Rayn., xvi, 10–11, sec. 37, 1335, gives Benedict's letter in full and is introduced as follows: Tum Francorum Regem, auxilia Scoto submittere meditantem, ab ejusmodi consilio avocare est conatus.
(131) Foed., ii, 942.
(132) Foed., ii, 944; Rep on the Dignity of a Peer, App., 460.
(133) Rot. Scot., i, 449; Foed., ii, 945, 1110.
(134) Stubbs, Const. Hist., ii, 397, n. 2.
(135) Fordun, (Goodall), ii, 324, (Skene), i, 362–363; Hemingb., ii, 312.
(136) Fordun, (Goodall), ii, 324, (Skene), i, 363.

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(137) Rot. Scot., i, 475; Foed., ii, 956.

(138) Foed., ii, 946, 949–950.

(139) Rep. on the Dignity of a Peer, App., 464, 467.

(140) Frois. (Luce), i, 314–315, 349–350 (ms. d'Amiens); Rayn., xvi, 37, sec. 42, 1336.

(141) Frois. (Lettenhove), xviii, 33–34; Bliss, Papal Letters, ii, 561–562; Rayn., xvi, 36–37, 39, secs. 42–43, 46, 1336.

(142) Rot. Scot., i, 482.

(143) Frois. (Luce), i, 119–123, 359–368 (ms. d'Amiens); 357–367 (ms. de Rome); Leland, Coll. (Scala chronica), ii, 556.

(144) Foed., ii, 966. It is to "magnifico principe, domino Philippo Rege Franciæ" that credence is given.

(145) Frois. (Lettenhove), xviii, 158–159 (Relation de Jean de Thrandestone).

(146) Frois. (Luce), i, 125–126, 369–377 (ms. d'Amiens), 374–377 (ms. de Rome), (Lettenhove), ii, 525; Réc. d'un Bourg. de Valenciennes, 159; Chron. Reg. Franc., ii, 33–34; Jehan le Bel, i, 119–125.

(147) Frois. (Lettenhove), xviii, 31–32 (Archives de Lille), 47–50; Foed., ii, 994.

(148) Frois. (Luce), i, 377–380 (ms. d'Amiens), clxxxv, n. 1, (Lettenhove), xviii, 34.

(149) Foed., ii, 973, etc.; Frois. (Lettenhove), xviii, 159, (Relation de Jean de Thrandestone); for the relations between France and Germany at this time see Leroux, Rel. Polit. de la Fr. avec l'Allem, 1292–1378.

(150) Foed., ii, 974.

(151) Foed., ii, 989–994.

(152) Foed., ii, 991–992.

(153) Pro Rege Francorum se gerentem.

(154) Frois. (Lettenhove), xviii, 159.

(155) Foed., ii, 998.

(156) Foed., ii, 998–1000.

(157) * * * A iiij^{to} die Octobris * * * quo die recessit cum sua familia de London. Nuncii Roll of the Bishop of London, preserved in the Tower of London.

(158) Chron. Reg. Franc., ii, 35–38; Frois. (Lettenhove), xviii, 530, 531 (Chron. de Bern); Nang., ii, 157. * * *

(159) * * * Dantes eisdem * * * plenam potestatem et mandatum speciale tractandi pro nobis et nomine nostro cum magnifico Principe domino Philippo Rege Franciæ * * * super jure regni Franciæ, utram sibi, vel nobis debeat remanere. * * * Early Chancery Rolls, preserved in the Tower of London; Chron. Reg. Franc., ii, 39–40; Frois. (Luce), i, 403–404 (ms. d'Amiens), which contains a letter of defiance dated October 19.

(160) Foed., ii, 1000–1001.

(161) Nang., ii, 159; Chron. Reg. Franc., 40–43; Frois. (Luce), i, 404–405 (ms. d'Amiens).

(162) Foed., ii, 1029–1031. Fordun (Goodall), ii, 324, (Skene), i, 262–263.

(163) Foed., ii, 1004.

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(164) Foed, ii, 1007.

(165) Ashley, James and Philip van Artevelde, p. 63; Chron. de Fland. (Corpus Chron., i, 357).

(166) Foed., ii, 948; Frois. (Luce), i, 388–389 (ms. d'Amiens).

(167) Foed., ii, 952.

(168) Foed., ii, 961; Frois. (Luce), i, 389 (ms. d'Amiens).

(169) Foed., ii, 966–67.

(170) Ashley, James and Philip van Artevelde, 76–77, 81.

(171) Chron. Reg. Franc., 42–43; Frois. (Lettenhove), ii, 527–528; (Luce), i, 129–130; Foed., ii, 1034.

(172) Chron. Reg. Franc., ii, 43, n. 2.

(173) Chron. Reg. Franc., ii, 44.

(174) Murim., 80; Auc. Brid., 133; Frois. (Luce), i, 402 (ms. d'Amiens); Knight., ii, 1–2.

(175) Frois. (Luce), i, 132–138.

(176) Foed., ii, 1009–1012.

(177) Sicque responsum est cardinalibus * * * quod rex non se concordaret cum rege Franciæ nisi sub conditione quod redderet ei terras suas quas ultra mare nequiter * * * adhuc occupaverat. Knight., ii, 3.

(178) Foed., ii, 1011.

(179) Sismondi, x, 130 (from Vaissette, Hist. de Languedoc).

(180) Foed., ii, 1024, 1042; Hemingb, 315.

(181) Foed., ii, 1022.

(182) Foed., ii, 1023–1033.

(183) Foed., ii, 1034.

(184) Foed., 1034–1050; Jean de Klerk, Édouard III, Roi d'Angleterre en Belgique.

(185) Foed., ii, 1043, 1051, 1054, etc.

(186) Murim., 84–85; Foed., ii, 1051, 1054, 1057.

(187) Foed., 1057, 1058.

(188) Knight. ii, 5; Frois. (Luce), i, 144–145, 424–425.

(189) Foed., ii, 1055, 1063; Frois. (Lettenhove), ii, 548–551.

(190) Frois. (Luce), i, 153–158, (Lettenhove), xviii, 67–73.

(191) Foed., ii, 1063.

(192) Foed., ii, 1065.

(193) Foed., ii, 1068.

(194) C'est pour mon plus grand avantage que Dieu a voulu que mon projet s'exécutât d'une autre manière. Si l'empereur s'était mêlé de cette guerre et que le succès eut couronné nos efforts, la renommée lui aurait à jamais attribué les honneurs de la victoire, sans égard pour celui à qui elle aurait été vraiment due. En outre, il est au ban du saint siège de Rome. Jean de Klerk, Édouard III, Roi d'Angleterre en Belgique, 10–11.

(195) Et cum rex venisset in illas partes non invenit in quo confidere posset * * * et exinde dixit Lyncolniensi episcopo * * * non sibi bene consultum fuisse. Knight., ii, 5.

(196) Foed., ii, 1086.

(197) Foed., ii, 1088.

(198) Foed., ii, 1094; Frois. (Luce), i, 152–184.

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(199) For the internal history of Flanders at this time see Lettenhove, Hist. de Flandre and Jacques d'Artevelde; Vanderkindere, Le siècle des Artevelde; Ashley, James and Philip van Artevelde.

(200) Frois. (Luce), i, 387–393 (ms. d'Amiens).

(201) Ashley, 93, and references to Corpus Chron., i, 211; ii, 219.

(202) Foed., ii, 1035.

(203) Foed., ii, 1045; Frois. (Lettenhove), xviii, 56–62, from Arch. d'Ypres.

(204) Frois. (Lettenhove), xviii, 62–63, from Arch. de Bruges et de Lille.

(205) Anno MCCCXXXVIII, * * * venit rex Angliæ * * * ante Sclusam, volens descendere in terram, sed Flandrenses, duce Jacobo de Artevelde, se opposuerunt, et sic recessit, et venit in villam de Antwerpia. Chron. Ægidii di Muisis (Corpus Chron., ii, 220).

(206) Omme te helpen settene 't land in rusten, in wette, in payse, in vrieden ende in neringhe. Lettenhove, Hist., ii, 294, n. 1, from Comptes de la ville de Gand.

(207) Foed., ii, 1063, 1097.

(208) Foed., ii, 1055; Frois. (Lettenhove), ii, 548–551, from Arch. d'Ypres.

(209) Ashley, 115.

(210) Lettenhove, J. van Artevelde, 61.

(211) Frois., i, 184–188.

(212) Lettenhove, J. van Artevelde, 62.

(213) Ad tractandum * * * cum præfato comite et hominibus de Flandria, conjunctim et divisim, super alligantiis et amicitiis perpetuis. * * *

Et ad antiqua libertates * * * quæ comites et homines Flandriæ, quæ fuerunt pro tempore nostro, et temporibus progenitorum nostrorum, regum Franciæ et Angliæ, tam in regno Franciæ, ad nos jam jure hæreditario devoluto, quam in regno nostro Angliæ ac in Flandria, et alibi, habuerunt, quatenus ad nos attinet, innovandum et confirmandum, et novas libertates et privilegia concedendum.

Necnon ad restituendum * * * comitatui Flandriæ, et districtui dictorum comitis et hominum * * * omnia et singula castra * * * quæ sunt infra fines dicti comitatus, et subjecta fuerant comitibus et hominibus Flandriæ ab antiquo. * * *

Necnon ad consentiendum et concedendum, ut omnes et singuli processus et sententiæ, ad instantiam regum, vel cujuscumque regis Franciæ, contra homines et inhabitatores Flandriæ, per sedem apostolicam facti, lati, seu promulgati, relaxentur et subducantur. Foed., ii, 1097.

(214) Foed., ii, 1097.

(215) Frois. (Lettenhove), xviii, 96–107; Longman, Edward III, 155. The date, however, is given incorrectly.

(216) Super alligantiis * * * inter nos * * * et præfatum comitem, ac dictos homines de Flandria * * *

Et auxiliis nobis per ipsos, pro recuperatione regni nostri Franciæ, effectualiter impendendis.

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Necnon de recognitione nostræ superioritatis, in dicto regno Franciæ, per eos nobis, ut regi Franciæ facienda. Foed., ii, 1106.

(217) Mediante quodam vassalo nomine Jacobo de Artyngfeld Flandrico, rex Edwardus cepit arma Franciæ et cum armis suis Angliæ immiscuit. Knight., ii., 14; Murim., 103; Chron. Reg. Franc. ii, 90.

* * * per Flammingos iterum receptus est, et, de consilio ipsorum, se regem Franciæ et Angliæ vocari fecit., Nang., ii, 183–184.

* * * consilio Brabantinorum et Flandrensium, arma Franciæ suis armis immiscuit. Chron. Ang., 8.

(218) Ob specialem affectionem, quam ad personam præfati Guidonis gerimus et habemus.

Volentes eidem Guidoni gratiam in præmissis facere specialem.

Ipsum a captivitate prædicta liberavimus * * *

Dat' apud Gandanum vicesimo sexto die Januarii, anno regni nostri Franciæ primo, Angliæ vero quartodecimo. Foed., ii, 1107.

It is important to note that Edward dates this letter in the first year of his reign as King of France, thus giving us his own testimony to the little value he placed in his earlier pretensions.

(219) Foed., ii, 1115.

(220) Foed., iii, 487.

(221) Rolls of Parl., ii, 137–138; Cunningham, article in Transactions of Roy. Hist. Soc. for 1889, pp. 197–220.

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XVII.—FIFTH ANNUAL REPORT OF THE HISTORICAL MANUSCRIPTS COMMISSION OF THE AMERICAN HISTORICAL ASSOCIATION.

APPENDIXES:

ADDITIONAL ITEMS RESPECTING HISTORICAL MANUSCRIPTS.
CALENDAR OF ADMIRAL BERKELEY'S NORTH AMERICAN PAPERS.

REUBEN G. THWAITES, CHAIRMAN.
JAMES BAIN, HERBERT FRIEDENWALD, FREDERICK W. MOORE.

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FIFTH ANNUAL REPORT OF THE HISTORICAL MANUSCRIPTS COMMISSION.

To the Executive Council of the American Historical Association:

The Historical Manuscripts Commission begs leave to submit herewith its fifth annual report:

The task of preparing for publication, in the fourth annual report, the correspondence of John C. Calhoun, under the capable editorship of Dr. J. Franklin Jameson, of Brown University, was not completed until last spring; and to this work was devoted somewhat over two-thirds of the appropriation made by the council to the commission for the present year. It would have been impracticable for the commission to have undertaken any considerable enterprise during 1900 with the small remaining balance ($150.81) without anticipating the appropriation for 1901, and this course was not deemed prudent. The commission, however, has not been altogether idle since the completion of the Calhoun publication. Such work as appeared to lay in its power it has endeavored to perform.

In the first annual report of the commission there was given (Amer. Hist. Assn., Report for 1896, pp. 495–512) a list of well-known "local repositories" of historical manuscripts in various parts of Canada and the United States, with references to the bibliography of the subject. This was supplemented in the third annual report (Amer. Hist. Assn., Report for 1898, pp. 573–590) by a considerable body of "Items respecting historical manuscripts," not only in libraries and archives, but also in private hands. The information given in these two reports has, we feel assured, been of much practical value to historical students.

The sources of this information were, in large degree, two circulars of inquiry, and accompanying blanks, which were

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issued by the commission in 1896—one addressed to private individuals owning or having knowledge of unpublished documents of historical value, the other to the heads of libraries and archives (see text, in Amer. Hist. Assn., Report for 1896, pp. 471–474). The responses from both classes, as given in the reports for 1896 and 1898, were relatively few, and the commission is painfully aware that the institutions and individuals mentioned represent but a small proportion of the collections of historical documents which are known or presumed to be in existence in North America. Notwithstanding the unsatisfactory results of the first trial, the experiment was, with some variations, repeated during the present year. Early in May last, nearly 1,000 circular inquiries, often accompanied by private letters, were issued to persons and institutions known or thought to possess valuable manuscripts. Among them were those whose collections, as reported in 1898, were thought to be worthy of more detailed treatment, but by far the greater number addressed were unrepresented in the lists of two years ago. The results of this second inquiry are presented in Appendix I. The information thus acquired is, so far as it goes, of distinct value; probably it is well worth the considerable effort expended to obtain it; but the commission has become convinced that some radically different method is required to obtain in this country an approximately correct report upon collections of historical manuscripts in private hands.

In the course of its work the commission has learned that there are many hundreds of individuals in the United States and Canada, far more than was suspected, who possess large or small stores of manuscripts of some importance; but, actuated by a sense of family exclusiveness, the jealousy of ownership, dislike of possible annoyance from strangers, a want of public spirit, general indifference to the needs of scholars, or a lack of appreciation of the value of their manuscript heirlooms, they neglect or refuse to respond to the appeals of the commission. Probably nothing short of a slow education of public spirit within them can reach this numerous class of citizens, whose treasures might be of value to investigators, but who thus far decline to give the necessary information.

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The commission has also become aware that relatively few public institutions in this country have their archives systematically arranged or catalogued. Their custodians are often either indifferent to the importance of making known their possessions, or too busy to spare the time necessary to their exploitation; while some of the societies evince a desire to keep their documents from public knowledge until they can themselves publish them. Thus almost as many difficulties lie in the path of collecting data relative to the institutions, as in that of collecting information from private persons.

Commissioner Moore has spent much time during the year in an interesting search throughout the Southern States, chiefly by means of personal letters, for data relative to the correspondence of President Andrew Jackson. He contributes the following special report:

The letters of Andrew Jackson to his personal friend Judge John Overton, of Nashville, Tenn., were burned by Judge Overton.

Inquiry of the executor of the estate of William B. Lewis elicited information that seems to identify the Lewis collection with that recently acquired by the New York Public Library. Cf. Bulletin, New York Public Library, Vol. IV, No. 9, Sept., 1900.

The Tennessee State Historical Society has, fully catalogued, 67 letters of Jackson, besides others to him or about him.

Garrett's American Historical Magazine for 1900 prints some Jackson letters from the collection of John M. Bass, of Nashville.

A collection, the property of Robert Dyas, of Nashville, contains the following:

Thirty-three letters of Andrew Jackson to John Coffee, of Florence, Ala., on personal matters (4 on the trouble with Sevier) and business. Dated 1804 to 1833.

Fourteen letters of Andrew Jackson to John Coffee, on public land, Indian negotiations, Seminole war, etc. Dated 1815–1819.

Eight letters of Andrew Jackson to John Coffee on Spanish treaty, governorship of Florida, etc. Dated 1821.

Twenty-three letters of Andrew Jackson to John Coffee, on election to United States Senate, tariff, presidential election, etc. Dated December, 1822–April, 1825.

Fifteen letters of Andrew Jackson to John Coffee, relating to the canvass for the presidency, etc. Dated May, 1825–November, 1828.

Seventeen letters of Andrew Jackson to John Coffee, during his presidency, on Eaton, Clay, Calhoun, miscellaneous political topics, etc. Dated 1829–1833.

Two letters of Andrew Jackson to Miss Mary Coffee, of condolence on death of her father, showing Jackson's piety. Dated 1833.

Two letters of Andrew Jackson to Mrs. John Coffee, on personal matters, Amos Kendall, etc. Dated 1834 and 1843.

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Two letters of Andrew Jackson of minor importance. Dated 1822.

Six letters of John Coffee to his wife, while on military duty in Alabama and Louisiana. Dated November, 1814–15.

One letter of William B. Lewis to John Coffee, on current politics, etc. Dated September, 1829.

Two letters to John Coffee of minor importance. Dated 1820 and 1829.

Journal of the Proceedings of the United States Commission (of which Jackson was a member) appointed to negotiate with the Choctaws. Dated 1826.

A collection, the property of S. D. Hays, Jackson, Tenn., contains 2 letters of Andrew Jackson to Gen. S. I. Hays, on personal matters and current politics. Dated 1841. (I have seen only one of them.)

Mrs. L. R. Campbell and Mrs. J. S. Pilcher, of Nashville, have 8 letters of Jackson to Gov. David Campbell and wife, containing some comments of political interest, dated 1823–1843; also, 3 letters of Jackson to David Campbell, of Campbell's Station, Tenn. (probably a cousin of Governor Campbell), on Tennessee matters, dated 1797–98.

The collection of Mrs. Campbell Brown, Spring Hill, Maury County, Tenn., contains several important Jackson papers, which I have not as yet seen, they having been loaned to Col. A. S. Colyar, Nashville, Tenn.

The great bulk of the Jackson papers were placed in the hands of Frank P. Blair, who was to have been Jackson's literary executor; but he did nothing, and upon his death they went into the hands of the Blair family, in Washington, who appear to be at present unwilling to permit of their examination by historical students.

As before stated, it was impracticable for the commission, with the limited balance of appropriation left in its hands upon the conclusion of work upon the Calhoun papers, to complete any other important work of editing within the year. Beyond the above-described investigation of private collections, it was determined to confine the year's work to commencing the task of editing for publication, in connection with next year's report, a selection of the papers of Salmon P. Chase, which throw strong light upon the history of the period from 1824 to 1873. Dr. Friedenwald undertook this important task, originally intending to carry it to completion. In his report of progress (dated at Philadelphia, December 6, 1900) he said:

The papers which have been placed at the disposal of the commission through the courtesy of their custodian, the Massachusetts Historical Society, were procured by Dr. Albert Bushnell Hart, of Harvard University, and Mr. James Ford Rhodes, of Boston. They are described as follows by Professor Hart:

"An inspection showed immediately that this collection included various financial papers, extending thoughout Mr. Chase's life; also, about 8,000 private letters written to him, extending over a period from 1827 to

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1873. These letters had been assorted according to the writers, and put up in docketed packages. Eventually I rearranged the whole collection chronologically, and in that form the letters are transferred to the society. The collection includes a large number of interesting and valuable autograph letters from public men, but its principal value is in the inner light which it throws on politics and political questions during a period of about forty years. In my life of Chase I have used these letters freely as a basis for statements of fact, but I have directly quoted from only a few.

"It was a disappointment not to find in this collection the manuscript journals which it was known that Chase had for many years kept, and from which Warden published very large extracts in his so-called 'Life.' That those manuscripts had remained in existence was unquestioned. Mrs. Chase remembered that the executors had permitted Warden to use them after her father's death, but Warden had gone to Cincinnati, and there died. I went to Cincinnati and followed out every possible clew, without success. I could get no trace of Warden or of his books. At lunch one day, at the house of a classmate, I detailed my purposes and my disappointments, whereupon he brought in a manuscript volume and asked me if that had any relation to my search. It was the journal of Mr. Chase in 1862, containing the famous account of the Cabinet meetings on the Proclamation of Emancipation. It had been found in a law office in Cincinnati, and given to my classmate's father, Col. Ralston Skinner, a nephew of Mr. Chase. No other manuscript material, however, could be found in Cincinnati.

"The next step was the appearance at my house in Cambridge one day of a very old gentleman who said that he came at the suggestion of Governor Hoadley, of New York, because he understood that I was in search of Mr. Chase's journals. These journals were in his possession in Williamsburg, Va.; but there had been some expense connected with them; he made two trips to Cincinnati to secure them, and he felt that he ought to be reimbursed to the extent of about $75. I was willing to reimburse him if I could have some assurance that he really had what I sought; and it was agreed that the documents should be at once sent up for inspection. They did not come. I wrote and received no answer, and concluded that I had escaped a pretender. More than a year afterwards I received a letter from a young lady in Williamsburg, stating that her father had recently died, and among his papers they had found an unopened letter from me relative to some Chase documents. What did it mean? I replied promptly, and received with equal promptness word to the effect that no such documents were in the house; but a few days later came another letter stating that 17 volumes of manuscripts had been discovered. By this time further correspondence seemed useless and I made the journey to Williamsburg; and there upon a table waiting for me were the 17 long-sought volumes, including most of the journals (the one volume which I had already secured filling an important gap), and also letter books and memorandum books of various kinds.

"In addition to the two large groups of manuscript material, I have obtained from various friends of Mr. Chase originals of letters or copies of letters written by him; and in Warden many such letters have been

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printed, of which the originals have disappeared. I feel satisfied in my own mind that a very large number of the letters to and from Chase, in Warden's biography, were set up by the printer from the originals, which were then destroyed.

"The value of these manuscript materials is certainly considerable. To be sure, Warden has exploited the journals. I have compared one volume word for word, and nearly every sentence in the original has been reprinted by Warden, although not in consecutive manner. But the letter books and memorandum books have never before been systematically used. Among these remains were at least three biographical fragments, written by or dictated by Chase, and also the Life of Chase, written by our late member [of the Massachusetts Historical Society], Edward L. Pierce, and never published. The letters to Chase make a remarkable conspectus of the public and private life of a distinguished man during more than four decades, and throw special light on the interior management and organization of the Treasury Department.

"In transferring these papers to the Massachusetts Historical Society it is necessary to make clear what appears to be the legal status and ownership. I conceive that these documents, with the exception of the small body of letters from Mr. Chase which I myself collected and have placed in this collection, are the property of Mr. Chase's legal heirs; and I deposit the papers with the Massachusetts Historical Society subject to joint order of the parties interested. Considering the manner of the acquisition of these papers, and the fact that the two collections had both drifted beyond the control of the family, it seems reasonable to make the condition that the papers shall never be surrendered by the society in order to be broken up and divided; and further, that in case the heirs should at any time reclaim them they shall make good to Mr. Rhodes and myself the expense incurred in extinguishing the claims of the persons in whose hands the papers were found."—*Mass. Hist. Soc. Proc.*, Dec., 1899, pp. 375–378.

The volumes described in the preceding account consist of 8 volumes of letter books, 5 volumes of diaries, and 8 volumes of various memoranda of miscellaneous character. There are, besides, additional memoranda, including the three "autobiographical sketches, written, dictated, or inspired by him at various times," as stated by Professor Hart.

The letter books contain copies or press copies of letters written during the years 1833 to 1837, 1845–1849, 1857–1860, 1867–1872. The diaries contain entries under various dates from 1829–1856, and from 1861–1864; but they are not consecutive. As stated by Professor Hart, Warden exploited the diaries and letter books to a considerable extent; but he has done this in so unsatisfactory a manner that I consider it advisable to reprint all that he made use of.

Professor Hart has added to the collection a number of letters written to E. S. Hamlin, which gave an interesting insight into Ohio politics during the late forties and early fifties. I have myself been able to add some interesting letters derived from other sources. Quite recently it has been learned that a considerable body of Chase's papers was placed in the keeping of the late Brinton Coxe, of Philadelphia, by Mr. J. W. Schuckers, of Newark, New Jersey, Chase's secretary and biographer.

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Dr. Friedenwald spent much time in organizing the work, and commenced the task of copying upon the 14th of November last; he also began the preparation of a brief calendar of the letters and other writings of Salmon P. Chase known to have been heretofore printed, similar to that given for John C. Calhoun in the third annual report of this commission. But unforeseen restrictions were later placed upon the use of the papers, by reason of which Dr. Friedenwald has found it impossible to complete the work, and the MSS. have been returned for the time being to the Massachusetts Historical Society.

It is most sincerely hoped that our successors will not allow the matter to drop, but will push this work to completion at an early day; for the Chase papers, when published, will represent the largest and most valuable body of antislavery documents thus far accumulated. Like the Calhoun papers, they will prove a notable addition to existing materials for the study of the social and political history of the United States.

As Appendix II of our report, we present a calendar of the North American papers of Admiral George Cranfield Berkeley, prepared by Commissioner Bain. They cover the years 1802–1812, and largely relate to impressments of American seamen from the British standpoint. These documents are in the possession of the Toronto public library. It is believed that they furnish material for an interesting chapter of American history.

It is gratifying to be able to record a very considerable revival of interest in the formation of State and local historical societies, particularly in the West and Middle West. Several which have long languished are being excited into renewed vigor, and new organizations with bright prospects have been or are about to be formed. Most of these promptly enter or reenter the field of collection and publication, and thus multiply the agencies for the exploitation of material for American history.

It is impossible for this commission of itself to do more, in its own publications, than here and there to scratch the surface in the great field. It can, however, work good by the force of such example; can encourage State and local histor-

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ical societies in the intelligent prosecution of similar work in their respective spheres; and serve as a general medium of communicating information to scholars relative to the existence and character of the numerous but almost unknown collections of documents which might be available in the prosecution of their work. As previously explained, this last-named function presents great practical difficulties, but they should not be regarded as insurmountable.

REUBEN G. THWAITES, Chairman.
JAMES BAIN.
HERBERT FRIEDENWALD.
FREDERICK W. MOORE.

DECEMBER 29, 1900.

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APPENDIX 1.

ADDITIONAL ITEMS RESPECTING HISTORICAL MANUSCRIPTS.

The following notes are supplementary to "Items respecting historical manuscripts," contained in the third annual report of the commission, American Historical Association Report for 1898, pages 573–590. They are the replies received in response to a circular letter dated April 28, 1900, and mailed to about 800 institutions and individuals in the United States and Canada, whom the commission had selected as probable owners of collections of manuscripts presumably useful to students of American history. The arrangement is alphabetical:

Mrs. Allie C. Birch, Montgomery, Ala., "has now in her possession the original constitution of the Confederate States of America. This document was arranged by her father, the late Judge Alex. B. Clitherall, assistant secretary of the Confederate Congress, and was read by him to Congress. After various amendments, inserted in the handwriting of Judge Clitherall, the document was adopted as the permanent constitution of the Confederate States. Mrs. Birch also has the first message of President Davis to the Confederate Congress. In this message Mr. Davis transmits to Congress for their approval the nominations of Toombs, Memminger, and Walker to positions in his Cabinet. She has also the first bond issued by the Confederate Government. This bond, of the face value of $50, is numbered 1."

Mrs. Campbell Brown, Spring Hill, Maury County, Tenn.:

Four letters from J. C. Calhoun to David Hubbard, chiefly on politics and internal improvements. Dated 1838 to 1844.

Three letters from James K. Polk to David Hubbard, confidential, on current politics and Polk's desire to become Democratic vice-presidential candidate. Dated December, 1839, to April, 1840.

One letter of William R. King, of Alabama, to David Hubbard, on current politics and King's desire to become the Democratic vice-presidential candidate. Dated May, 1844.

Four letters of D. H. Lewis, Congressman from Alabama, and Richard N. Crallè (or Cralli) to David Hubbard, relating to the fight against Biddle and the banks. Dated April, 1838.

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Two letters of Henry A. Wise to David Hubbard, on current politics. Dated March, 1859.

Six letters: correspondence between David Hubbard and various people, on Jackson, Eaton, Alabama politics, and personal matters. Dated 1833 to 1854.

Five letters to G. W. Campbell, concerning the application of David Hubbard for position of land surveyor. Dated 1821–22.

Thirteen letters to G. W. Campbell at St. Petersburg, from Jonathan Russell, George W. Ewing, Albert Gallatin, Richard Rush, American ministers, and others, on current politics, chiefly foreign relations of the United States. Dated 1818 to 1820.

Seventeen letters (15 to G. W. Campbell) from various persons, having some reference to Mr. Campbell's Russian mission: almost entirely on personal and miscellaneous matters. Dated 1818 to 1822.

Four letters from James Madison to G. W. Campbell—2 about foreign loan, etc.; 1 accepting C.'s resignation from the Cabinet, and 1 about the Armstrong matter. Dated 1814.

Eleven drafts of letters from G. W. Campbell to R. M. Johnson, Richard Rush, James Madison, Gen. John Armstrong, Thomas Jefferson, Andrew Jackson, and others, and drafts of opinions. The most important concern, the Armstrong affair, and his own resignation from the Cabinet. Dated 1814 to 1834.

Thirty-four letters (30 to G. W. Campbell) from various persons, and 4 copies of letters and instructions, chiefly in the years 1813 to 1816. Chief topics: Tennessee troops, conduct of the war, General Armstrong, General Jackson and the Creeks, and other matters of current politics. Dated 1807 to 1828.

Three letters to G. W. Campbell, soliciting his interest in Louisiana (1), and Mississippi (2) Territorial affairs. Dated 1809.

Eighteen letters, chiefly to G. W. Campbell, containing minor political and industrial comments. Dated 1806 to 1821.

Seven letters of genealogical interest.

One letter from R. Toombs to R. M. Johnson, introducing David Hubbard as the Indian agent of the Confederate States. Dated 1861.

Six letters: Gen. R. S. Ewell to General Grant on the death of Lincoln, and various writers on the burning of Richmond, reconstruction, etc. Dated 1865 to 1868 (5), and 1886 (1).

Papers relating to removal of General Ewell from command, and the appointment of General Early in his place, including letters from Jefferson Davis and Bradley T. Johnson (both dated 1885) on the "lost order."

Material for article on negro troops in the army of the Confederate States of America, by Campbell Brown, in the Century war series, including two orders (March, 1865) from Lee to Ewell, and a letter from Jefferson Davis (1886).

Various documents bearing on the history of the Civil War, used by the War Records Office.

Miscellaneous collection of family letters, which yielded so little of general interest that they were not read, except a few samples from each lot.

John Marshall Brown, Portland, Me.: "I have learned that there are in

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this neighborhood some interesting documents covering the Revolutionary period."

The estate of the late Samuel Burhans, jr., of New York City, has a collection of manuscript church records somewhat similar to that of the Holland Society.

C. M. Burton, 21 to 25 Home Bank Building, Detroit: "I have had a transcript made of all the writings that I have been able to find in the department of the marine and elsewhere in the Paris archives, pertaining to Detroit or to the Northwest Territory, between the years 1650 and 1760. These have been bound and carefully translated, and comprise 24 volumes. The following are also in my collection:

"Transcript of all archives in Montreal, pertaining to Detroit; about 20 volumes.

"Record kept at Detroit between 1701 and 1711, by Antoine de la Mothe Cadillac; 1 volume.

"Records of the Church of Ste. Anne of Detroit (1701–1845), and of the Church of the Assumption at Sandwich, Ontario (1750–1900); with complete index, 20 large volumes. These records include births, deaths, and marriages, as well as many commercial and business transactions.

"Orderly books of Gen. Anthony Wayne from 1792 to 1797, transcribed; 1 large volume.

"Copies of all laws of the Northwest Territory that could be found at Columbus and Washington; not bound, because not complete, as some of the acts had been lost; probably 3 volumes.

"Orderly book (original) of General Winchester, kept up to the time of the massacre at Frenchtown; 1 volume.

"Orderly book of Commissary Willson, French and Indian War, 1756—a portion of the original and a complete transcript; 2 volumes.

"A book of military letters of General Wayne.

"Transcript of letters of Henry Dearborn, of Boston; 3 volumes.

"Private correspondence addressed to John Askin, with his replies, between 1760 and 1816. He was a prominent merchant at Detroit, and his letters are exceeding valuable from an historical standpoint, and include many from Alexander Henry, James McGill, Isaac Todd, Ebenezer Allen, Joseph Bryant, and other men of prominence; also many Indian conveyances of land.

"Private correspondence addressed to John R. Williams between 1780 and 1856. He was a prominent citizen of Detroit, its first elected mayor, and his letters are of great interest, carefully kept. One entire series is devoted to the expedition from Detroit to protect Chicago in the Black Hawk War; of this expedition, General Williams had charge.

"Private papers of Halmar H. Emmons and Ross Wilkins, prominent lawyers and judges of the United States court.

"Private letters and papers of James A. Van Dyke, Detroit lawyer and mayor.

"Private letters and papers of Jacob M. Howard, Detroit lawyer and United States senator.

"Private papers of Ebenezer Harrington, Detroit lawyer.

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"All of the foregoing are large collections; included with them are many smaller collections, such as the papers of Elijah Brush, Garwood T. Sheldon, Austin E. Wing, Warner Wing, Talcott Wing, and others.

"Private papers of William Woodbridge, who was secretary and acting governor of Michigan Territory, judge of United States court, collector of customs, governor of the State of Michigan, United States Senator, and candidate for Vice-President. An exceedingly valuable collection, comprising letters from nearly every Senator and Representative during his career. Not the least valuable portion of this collection are the many letters written to him by his wife, detailing occurrences in Detroit during the absence of her husband as Senator.

"Connected with this collection are the private papers of John Trumbull, the author of 'McFingall,' and father-in-law of Governor Woodbridge. Here I find two long and interesting letters from Gen. Nathanael Greene, and others equally interesting. Within the collection are letters from every President from Adams to Lincoln. Also connected with this collection are more than 100 letters from Governor Lewis Cass, the most valuable collection of Cass letters that I have heard of.

"The collections that I have designated as private correspondence above, are mounted in volumes or are now in process of being mounted, and comprise about 300 volumes.

"List of all marriages and deaths taking place in Detroit and noted in the press, from the very earliest newspapers to date; also compiled from the records in the board of health office. These fill nearly 350 volumes, and are completely indexed; all data has been copied so that names can be referred to and identified, if the records show details."

L. R. Campbell and Mrs. J. S. Pilcher, of Nashville, Tenn.:

Twenty-three letters and drafts of letters, correspondence between Governor David Campbell, of Virginia, L. C. Draper, and others concerning King's Mountain and the celebration of King's Mountain Day, and the pioneers of southwestern Virginia and eastern Tennessee. Dated 1810 to 1857.

Twenty-nine documents: Memoranda, copies of letters, etc., on the same subject, nearly all in the handwriting of Governor Campbell, and nearly all examined by L. C. Draper and Theodore Roosevelt. Dated 1781 ff. Most of the documents are undated.

Fifteen letters of John Campbell to his brother, Governor Campbell, and his mother, when the writer was a student, an officeholder at Richmond, also at Washington, containing comments on current politics. Dated 1806 to 1834.

Eleven letters of Arthur Campbell to his brother, Governor Campbell (9 from Washington while the writer was an officeholder there, 1831–34), containing political gossip. Dated 1804 to 1850.

Fifteen letters of W. B. Campbell to his uncle and foster-father, Governor Campbell, while in Congress and afterwards, containing political gossip and comment from the Whig standpoint. Dated 1841 to 1845.

Five letters. Correspondence between Governor Campbell, Hu. L. White, Martin Van Buren, Henry Clay, Zachary Taylor—all but the last of some political interest. Dated 1823 to 1848.

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Six letters and petitions to Governor Campbell, for relief for the banks. Dated 1837, chiefly in May.

Thirty letters. Correspondence between Governor Campbell and various persons, touching on miscellaneous questions of politics and public welfare. Dated 1813 to 1855.

Eighteen letters of David Campbell, of Virginia, to James Carrell on the history of Methodism, political items, border history, religious and scientific questions. Dated 1849 to 1851.

Five letters of Johnson Taylor, of Philadelphia, to Governor Campbell on Swedenborgianism and miscellaneous topics. Dated 1803 to 1807.

Seven letters of James Campbell, of Winchester, Tenn., brother of Governor Campbell, to his parents and brothers, containing occasional references to politics. Dated 1818 to 1842.

Eighteen letters of Governor Campbell to his wife (chiefly from Richmond, in 1837), containing references to Andrew Jackson and miscellaneous topics. Dated 1818 to 1841.

One autobiographical sketch of Governor Campbell.

One diary of Governor Campbell, 1837 to 1857; occasional entries, some political, but mostly personal.

One memorandum of religious views of Governor Campbell.

Recollections of the town of Abingdon, Va., incomplete, in the handwriting of Governor Campbell.

One memorandum. General Jackson and his political influence, in handwriting of Governor Campbell.

Six letters of Archibald Roane to Governor Campbell and wife, with some political comments. Dated 1800–01.

One letter of Arthur Campbell (probably the uncle of Governor David) to Archibald Stuart, with political comments. Dated 1786.

Two letters of William Blount to David Campbell (probably of Tennessee), concerning building of blockhouse and Indian negotiations. Dated 1793–94.

One letter of Dr. Ebenezer Brooks to Arthur Campbell, on political topics. Dated 1798.

Two letters of Mrs. Catherine Campbell, Lebanon, Tenn., to her daughter, containing the comments of a Unionist on current politics. Dated 1860–61.

One circular letter of political nature by Winfield Scott. Dated 1841.

Thirty-four letters and memoranda of little interest, personal or otherwise, including several letters to Governor Campbell from his slave servants. Dated 1803 to 1845.

A. S. Clark, Fulton street, New York, owns an order book kept during the Revolutionary War by Gen. William Moultrie.

Gilbert Cope, West Chester, Pa.: "I have many thousands of manuscript documents, mostly relating to citizens of Chester county, Pa. Very few, if any, would be of national interest. They consist of warrants, surveys, petitions, letters, certificates, etc. I probably have the autographs of nearly all the landowners in the county for a hundred and fifty years." Their accessibility to others is subject to discretion.

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Cornell University Library, Ithaca, N. Y.: Possesses "a trunkful of letters and other papers of William Short, who was American minister at Madrid, 1792–1795."

John Cox, jr., 308 West Nineteenth street, New York: "I have compiled a catalogue of the manuscript records in possession of or relating to New York yearly meeting of the Society of Friends from the beginning to 1828, and of our body (called Hicksite) from that date to the present, stating where each volume is to be found and what years and matter it covers. Have also secured the appointment of committees in our yearly meetings, and in a few of the Orthodox yearly meetings, for the same purpose, with the hope that ultimately a list of all Friends' records in the world (or in America, at least) can be published. Besides the colossal work of compiling, the expense may prohibit profitable private publication. Perhaps your commission would undertake it."

Horace Davis, 134 California street, San Francisco: "My father was Governor and Senator John Davis, of Massachusetts, and my uncle was George Bancroft, the historian. I have many letters of Mr. Bancroft to his family from Göttingen, 1818–1822; also his correspondence with one of his family from Berlin, 1868–1870; also a large collection of letters from my father and mother, 1825–1850 (mostly 1825–1830). They are chiefly personal. I have also a few family relics, letters, and memoranda of various kinds, running back to 1660, but of no value except as curiosities or as family relics. All these I mean to deposit with the American Antiquarian Society, Worcester, Mass., of which I am a member. My father's political correspondence is, I think, there now."

Reuben T. Durrett, Louisville, Ky.: Has a large and valuable collection of manuscripts relating to Kentucky and Tennessee, particularly the former. Next to the Draper collection in the library of the Wisconsin Historical Society, this is the largest storehouse of materials extant for the early trans-Allegheny movement. It is impracticable at present to obtain from Colonel Durrett a list of his treasures; he is, however, very hospitable to visiting scholars who come with proper credentials.

Edward Field, City Hall, Providence, R. I.: "The five reports of the record commissioners of the city of Providence, of which I am a member, contain full details regarding the important manuscript collections of this city. In my private collection I have many manuscripts relating to the early history of the town of Warwick and documents relating to the military affairs of Warwick during the Revolution. I have also a number of Thanksgiving and Fast-day proclamations and Revolutionary broadsides."

Roger Foster, 35 Wall street, New York: "My mother, Mrs. Dwight Foster, of 44 Fairfield street, Boston, has the diary of my great-grandfather, Dwight Foster, also his letters to his wife, both in manuscript bound volumes. The diary includes parts of the periods between 1772 and 1780 and 1793 and 1799. During the first part of that time he was a student in Brown University. During the latter part of the time he was in Congress. The letters to his wife include part of the period between 1785 and 1819, during which time he occupied the position of Representative in Congress and United States Senator; also held a number of State offices in Massachusetts, including, I believe, that of judge of the common pleas. He

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lived at Brookfield, Mass. I have the greater part of this copied in typewriting at my house, No. 69 West Fifty-fifth street, New York. I am willing that any scholar with proper credentials should examine these volumes at my house, provided that he agrees not to publish any extracts from the same without my consent."

Herbert S. Griggs, Fidelity Building, Tacoma, Wash.: "Ed. Huggins, an old pioneer of this State, has a private journal which he has kept methodically from about 1841 to 1890. The first twenty or thirty years covers his services in charge of the Hudson Bay Company's store at Fort Steilacoom. It deals with the Indian war in the early fifties, early surveys, settlements, etc. He tells me that he also has a good many important original documents.

"Dr. Tolmie, the Hudson Bay Company's agent at Fort Steilacoom from the early thirties, left a well-written journal, which is in his relatives' possession. These could be secured for publication, but not for sale."

W. S. Grosvenor, Kingman, Kans.: Has "a curious account book kept in Buffalo, N. Y., between 1806 and 1815."

Dr. William T. Haviland, Bellefontaine, Ohio: Owns a large collection of autograph letters, etc., of distinguished personages, left by the late Judge William Lawrence, of Ohio.

Mrs. Edward Hazelhurst, Mount Pleasant, Charleston County, S. C.: Owns a journal kept during the Revolutionary War by Rev. Josiah Smith, of Charleston.

The Holland Society of New York, 348 Broadway (room 801): The society has manuscript copies of all records of Dutch churches of this vicinity, antedating the present century, a list of which will be found in the Yearbook for 1898. They are primarily for members only.

The society has printed the records of Hackensack, Schraalenburgh, New Paltz, Flatbush, and Brooklyn, and the burial records of the Dutch church in New York City. The trustees will not object to the commission printing others of them.

Mrs. M. D. Hutchinson, 299 Erie street, Chicago: Owns many interesting political letters, including some from Calhoun, Van Buren, etc., addressed to G. M. Dallas, William Wilkins, E. M. Stanton, and others of Mrs. Hutchinson's family connections.

Howard M. Jenkins, editor of The Friends' Intelligencer and Journal, corner Fifteenth and Cherry streets, Philadelphia: "In regard to the Friends' records I can only give you information in a general way, not having leisure to make a detailed statement. It is true that there are many records of the Friends, going back, of course, to the colonial time, the period of the first English settlement. As a rule these have been carefully kept, and are mostly well cared for now. Within the last twenty years there has been a distinct revival of interest in them. These records are to some extent collected in this city. Our body of Friends has many of them in a fireproof safe in the meetinghouse at Fifteenth and Race streets, and the 'Orthodox' body have collected theirs in their library building, in a fireproof vault on Sixteenth street, below Race. Others, belonging to both

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bodies, are deposited at various places. Our discipline requires that we have them deposited in places of security approved by the meeting. Transcripts of many of these records were taken some years ago for the Historical Society of Pennsylvania, and are deposited in its library."

George W. Johnstone, 21 Carew Building, Cincinnati: Owns numerous documents; among them, the diary of John Pintard, a business man who had correspondence with De Witt Clinton and other prominent men; also a body of letters by and to Jeremy Belknap and others.

Adrian H. Joline, 54 Wall street, New York City: "I have in my possession a manuscript diary kept by President Pierce when brigadier-general during the Mexican War. It begins at Vera Cruz, and continues for quite a long time, though not to the finale. It has never been published so far as I know.

"I have also the correspondence between Monroe, Van Buren, etc., about the Albany postmastership—a curious lot—which came to me from Mr. Van Buren's private papers. I printed them in The Collector some years ago. There are some interesting things in it, as I pointed out in some comments published at the time."

L. H. Jones, Winchester, Ky.: "I have a number of old family letters dating back almost to the beginning of the eighteenth century; some of them are quite gossipy, and might be considered valuable for the historic data they contain. A book published by me at Albany, N. Y., in 1891, 'Capt. Roger Jones, of London and Virginia,' contains sketches of the people to whom these documents refer."

Clifford Lanier, 203 South Perry street, Montgomery, Ala.: "I have a faded, yellowed, torn letter of Gen. James Wilkinson to Colonel Hunt, which reads as follows: 'Dear Sir: The men of Bissell's Camps must be immediately sent down that they may join their Campts. Assist Mr. Maxwell in sending his tallow to save it. Mulfore is arrived i. e. he (sic) in sight. in haste yours, Jas. Wilkinson. St. Louis, Dec. 26h, 05. Compliments of the season to your Ladies & gentlemen.' "

A. B. Leet, 207 South College avenue, Grand Rapids, Mich.: Owns a large number of autograph letters by and to Gen. U. S. Grant.

S. A. Link, Nashville, Tenn.: Letter of Judge Charles S. Gayarré, of New Orleans, to S. A. Link, criticising G. W. Cable from the Creole standpoint. Dated 188—.

Maine State Historical Society, Portland: Possesses a diary kept by Rev. Jotham Sewall, Congregational missionary in that State from 1779 to 1851. It fills a box 10 by 12 by 16 inches. This document is said to "throw a flood of light upon early life and manners in Maine."

Montana State Historical Library, Helena: "We have some valuable manuscripts, notably the Lieutenant Bradley manuscript, that of William Hamilton, Indian scout, and others. Portions have been published, but none have been edited; just a few scattered notes are attached."

John G. Parkhurst, Coldwater, Mich.: "Following is an exact copy of a paper in my possession. It was found at Winchester, Tenn., by some of my scouts and turned in to me, as provost-marshal of the Fourteenth Army

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Corps, August 6, 1863. It carries the autograph signatures of ten of the most prominent Southern statesmen in 1850:

"'We will avail ourselves of any and every means which a majority of those signing this paper may determine to prevent the admission of California as a state, unless her southern boundary be reduced to 36° 30′′ and if California be admitted with the boundaries prescribed, then such admission be allowed only after the People of California shall have assented thereto—this admission may be allowed if necessary, on proclamation of the Presd[t]

August 2[d]. 1850

H. S. TURNEY
A. P. BUTLER
D. R. ATCHISON
D. L. YULEE
PIERRE SOULÉ
JEFFN: DAVIS
JERE: CLEMENS
JOHN MASON
JACKSON MORTON
D. R. W. BARNWELL

[Reverse of document.]

August. Mr. Soula moved that we resist by all Parlamentory means the Passage of the bill & the Vote Stood as follows. for the Motion was Messrs. Davis, Turney, Soule, Morton Yulee—5. against it was Barnwell, Butler, Mason, Hunter, Atchison—5 Lost by a Tie vote.

[Endorsed.]

Found at Winchester Tenn. August 6th 1863
Conspiracy to prevent the admission of California as a state."

Thomas Plater, Nashville, Tenn.:

Two letters from Thomas Jefferson to Alexander White, concerning land cases in which Jefferson was White's attorney. Dated 1771–72.

Three letters from George Washington to Alexander White, concerning dismissal of White's nephew from the army (1776), and White's appointment as commissioner for laying out the Federal City. Dated 1795.

Twelve copies, in White's hand, from White to Washington, chiefly upon matters related to the Federal City. Dated 1795–99.

Three letters from James Madison to Alexander White, reporting current politics at Philadelphia. Dated 1793–94.

W. C. Putnam, 211 Main street, Davenport, Iowa, writes: "I have quite a large collection of historical autograph letters and documents, relating to American and French history mainly, and I should be glad to permit their examination and publication at any time. I have not the leisure at present to prepare a list of the documents of interest, but will be glad to do so some time in the future."

Bowen W. Schumacher, 107 Dearborn street, Chicago, writes: "I have in my possession diaries of my father, Col. Michael Shoemaker, of Jackson, Mich., kept by him from some time in the forties down to the time of his death in the year 1895. These diaries are very full, as it was his custom to practically keep a record of all his political, business, and military transactions. He was in the army in the War of the Rebellion. I also have

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letters written to my mother at this time, which contain various accounts of the military operations."

J. Hopkins Smith, Portland, Me.: Possesses a valuable diary of his ancestor, Captain Tucker, covering the War of 1812–1815, and giving interesting details of naval service. Mrs. Smith has an interesting diary of her grandfather, United States Senator Dana. Abstracts of these documents may be obtained of their owners.

Gen. G. P. Thurston, Nashville, Tenn.: Notes of testimony given before the Reconstruction Committee of Congress, Gen. B. F. Butler, chairman, Washington, D. C., on the condition of Nashville at that time. Dated March 20, 1870.

Toronto Public Library: Has "lately received the papers, in 73 volumes (chiefly correspondence with Canadian political leaders), of Hon. Robert Baldwin. He was a native of Toronto, of Irish descent, his father, William Warren Baldwin, having emigrated from County Cork, Ireland, in 1798. He became a member of the bar in 1825 and established an extensive and lucrative practice, retiring in 1848. In 1829 Mr. Baldwin was first elected to the legislative assembly of Upper Canada as a Liberal Reformer, in opposition to the government of the day. The contest between the upholders of a Crown colony and those who fought for fuller representation and responsible government, which terminated in the Rebellion of 1837–38, had commenced. He was firm in his opposition, but strove for moderation. After the passage of the act uniting the two provinces and granting self-government, Mr. Baldwin was, successively, executive counselor and attorney-general until 1851, when he retired from political life. He died at Toronto in 1858. He was a man of singularly upright character, so that in all the troublous times no word of calumny was ever uttered against his name. Morgan says: 'No public man in Canada in his day commanded such general respect as the Hon. Robert Baldwin.' "

George C. Walker, Rookery Building, Chicago: Has "a large amount of matter referring to business in New York and Chicago during the period from 1840 to 1850."

Leslie Warner, Nashville, Tenn.: Has a letter from George Washington to Alexander White, concerning the Federal City.

Joseph Wharton, No. 206 Philadelphia Bank Building, Philadelphia: "The Society of Friends divided, as you probably know, in the year 1827, into two independent bodies, which are nicknamed 'Orthodox' and 'Hicksite.' Each of these bodies maintains a system of business meetings, called preparation, monthly, quarterly, and yearly meetings, each of those ranks, beginning with the preparation, reporting to the next above it in rank. Usually but one preparation reports to a monthly, but several monthlies in various adjacent localities report to a quarterly, and several quarterlies report in like manner to a yearly. Now, the yearly meeting also is but a local institution, and there is no general convocation or authority of any kind to bind together the several yearly meetings, which collectively embrace all the members of each branch of the society. The organic law of each yearly meeting is expressed in the 'Book of Discipline' of each, and these are not exactly accordant. When your corre-

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spondent asks for the minutes of the different Friends' meetings and the names of the secretaries, going back to the beginning, he asks what I, at least, can not pretend to know. Each meeting, of all the classes I have named, kept minutes of its proceedings, signed, not by a secretary, but by a clerk or an assistant clerk. These records must in many cases have been lost, and the very numerous records which remain are, of course, scattered in all the various localities where the meetings were held. A few years ago I had occasion to search for the original Book of Discipline of Philadelphia Yearly Meeting, of which I am a member (the so-called Hicksite branch), and got a lively idea of the difficulty of such researches."

Prof. W. C. Whitford, president of Milton College, Milton, Wis.: Has accumulated a considerable mass of material relative to the Seventh-Day Baptist Church.

Prof. William P. Willey, West Virginia University, Morgantown: Possesses a diary and journal kept by his father, the late Waitman T. Willey, a Senator of Virginia under the restored government. Willey was an eminent scholar, and played a prominent part in the movement resulting in the formation of West Virginia.

A. Mott Williams, Marquette, Mich.: "I have only my father's letters to my mother. They would need an occasional omission, but are astonishingly free from purely personal matters. They run from 1857 to 1862, and cover post life on the northern border, the Utah expedition, and the early operations in North Carolina and Louisiana during the Civil War. My father was a carefully observant man, of good education, a graduate of West Point in 1837, aid-de-camp to Gen. Winfield Scott, and a general officer." The author of these letters was Gen. Thomas Williams, U. S. A., who was killed at Baton Rouge, La., in 1862.

Capt. John R. Williams, U. S. A., Fort Riley, Kans.: Has a good deal of documentary information about the Revolutionary War, early Detroit, and early New Jersey.

Miss Mary Woodman, 9 Kirkland place, Cambridge, Mass., and Edwin Woodman, Portland, Me.: Possess account books and files of letters—"the bulk of them friendly letters"—kept by their father, Cyrus Woodman, for many years a prominent pioneer banker and merchant at Mineral Point, Wis. He was for a long time partner of the late Cadwallader C. Washburn, governor of that State. Among the letters are some from Governor Andrew, Charles Deane, and other Massachusetts men of distinction. Six volumes of "historical letter books" from this collection were, with other documents, given by Mr. Woodman in his lifetime to the Maine Historical Society. They "are of special interest to the historians of that locality only."

Wisconsin State Historical Society, Madison: The Lyman C. Draper manuscript collection consists of 400 folio volumes. The geographical field covered is from the Hudson River to the Wabash, from Charleston to Louisville, and the period from the year 1735 until the close of the War of 1812–15; with some material bearing upon the trans-Mississippi region, such as the papers of William Clark and the journal of Sergt. Charles Floyd (Lewis and Clark expedition). The classification is chiefly by the

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principal border heroes or pioneers concerned, for Draper collected with a view of using the material for a series of biographies: George M. Bedinger, Daniel Boone, Samuel Brady, Joseph Brant, Daniel Brodhead, George Rogers Clark, Jonathan Clark, William Clark, George and William Croghan, Josiah Harmar, William Henry Harrison, William Irvine, Simon Kenton, Robert Patterson, James Potter, William Preston, David Shepherd, Thomas Sumter, John Cleves Symmes, Tecumseh, and Louis Wetzel. There are six volumes of data relative to the Mecklenburg declaration of independence; other volumes contain early manuscripts relative to Alabama, Georgia, Illinois, Kentucky, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and King's Mountain; numerous volumes contain Draper's interviews with pioneers or their descendants in many parts of the border States and the Middle West. It should be explained that but a small part of the Draper manuscripts are contemporary documents; much the larger proportion of the papers are Draper's interviews and correspondence while seeking information, all of them freely interspersed with his critical comments and notes. His laborious methods of investigation furnish an interesting and instructive study to historical specialists. The collection has as yet been only roughly indexed, but a carefully prepared calendar of the papers will probably be commenced within the present year (1901). The collection is now being extensively used by historians and genealogists.

An almost complete collection of autographs of signers of the Declaration of Independence and of the Constitution of the United States contains a few letters of historical value.

Some manuscripts of general importance in the Wisconsin archives are: "Cyphering" and account books kept by Nathan Bolles (Bowles), a merchant of Hartford, Conn., 1770–1806; account book of Joseph Kershaw, Camden, S. C., 1774–75; letter book of Elias Boudinot, 1777–78; official transcript, made in May, 1793, in the office of the superintendent-general of Indian affairs at Montreal, of Indian treaties, speeches, etc., from 1784 to 1791, concluded and made at various points between the Ohio River and Quebec; numerous transcripts of Relations and other documents concerning the Jesuits in New France; journal (266 pp.) of the preliminary survey of the Texas Pacific railroad, made July, 1872, by J. G. Knapp, an attaché. These are, however, but illustrative selections; the list is too long to be noted here.

There are six volumes of papers of Thomas Forsythe, Indian agent at Peoria, Ill., 1814–33. These deal with Indian relations and the fur trade. Forsythe's reports to the Federal Government often embrace the trade of the Southwest into Mexico.

The original register of baptisms and marriages in the parish of Michillimackinac rests in the Catholic parish church on the island, but the Wisconsin society possesses a facsimile copy. The range is 1741–1821, but there is a preliminary abstract extending back to 1695.

The library contains 100 bound volumes of manuscripts bearing upon Wisconsin history—from about 1780 to 1850—chiefly concerning the fur trade, Indian relations, and early economic and social conditions. Other papers of similar character, but later acquisition, have been prepared

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ready for binding, to the extent of about 50 volumes. In addition to these is a great mass of fur-trade account books, letter books, and journals of missionaries, Indian agents, and frontier officials, and docket books of early judges. Among the missionary material are the journals and letter books of Rev. Jackson Kemper, the pioneer Episcopalian bishop of the old Northwest; Rev. Alfred Brunson, the pioneer Methodist circuit rider; Rev. Cutting Marsh, representative of the American board and of the Scottish S. P. C. K.; Rev. Eleazar Williams, Episcopalian missionary to the Oneidas, and known as the lost Dauphin. Also a considerable quantity of documents bearing upon the modern revival of the Catholic Church in Wisconsin and of the establishment of the Cadle Indian mission at Green Bay. The Wisconsin archives abound in Indian treaties, original narratives by pioneers, account and invoice books of early merchants, correspondence bearing on early political, industrial, and military life, foreign immigration, etc. Among the military manuscripts are the original journal of the British commandant Gorrell, who held Green Bay during the Pontiac uprising (1763), and the orderly book of Fort Winnebago (1834–36). There are also stored in the vaults several sealed boxes of letters left by prominent deceased political leaders of the State, which can not be opened until all persons concerned in the correspondence have passed away.

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Appendix II.

CALENDAR OF ADMIRAL BERKELEY'S NORTH AMERICAN PAPERS.

Admiral George Cranfield Berkeley, the calendar of whose North American papers follow, the second surviving son of the fourth Earl of Berkeley, was born in 1753 and entered the navy in 1766. For a time he served as midshipman under his cousin, Admiral Keppel; was transferred to the *Resolution*, employed on the survey of the St. Lawrence, where he had the advantages of instruction under Captain Cook, then master, and in 1769 was appointed to the *Alarm*, under Captain Jervis, stationed in the Mediterranean. In 1772 he received his lieutenantcy, and returned to England to contest the city of Gloucester in the interest of Pitt, but was defeated. He was unable to obtain a new commission until 1778, when he was appointed to the *Victory*, and was present at the battle of Ushant. From this time he was engaged in active service as captain in the Channel, on the banks of Newfoundland, and at the relief of Gibraltar, until 1783, when peace terminated the war. In 1786 he was appointed surveyor-general of ordnance, a position which he exchanged for that of captain of the *Marlborough*. In the engagement of the 1st of June, 1794, his ship suffered severely, and he himself was wounded. For this he received, with other officers, the thanks of Parliament and a gold medal. In 1799 he was advanced to the position of rear-admiral and in 1805 to vice-admiral. He was stationed at Halifax, and under his direct orders the conflict took place between the *Leopard* and the *Chesapeake* on the question of deserters. In consequence of the diplomatic correspondence which followed, Berkeley was transferred to the Portuguese coast. In 1810 he was appointed admiral. He retired from the service in 1812 and from the representation of Gloucester in Parliament, which he held from 1781 to 1812, and died in 1818. Prof. I. K. Laughton has supplied his biography to the Dictionary of National Biography, and a contemporary

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account will be found, with portrait, in the Naval Chronicle (XII, 88). The volume which contains these papers appears to have been bound in half morocco about 1890, probably by the dealer in London from whom it was purchased. It contains 658 leaves of written and printed matter, and is in perfect condition.

The papers must have been carefully collected by the admiral, in view of the importance of the transactions. They are now in the Public Library, Toronto.

JAMES BAIN.

AMERICA, ENGLAND, AND FRANCE—INTERFERENCE WITH NEUTRALS, 1806 AND 1807.

DOCUMENTS AND AUTOGRAPH LETTERS ADDRESSED TO ADMIRAL BERKELEY.[1]

1802, March 22.—Stuart to Admiral Berkeley. Relative to dispatches opened by Americans.

1803, December 10, St. Petersburg.—Sir John Warren to Admiral Berkeley. Asking that a letter be forwarded to his nephew.

1806, April 1.—Extract from Mr. Merry's letter. Speaks of unfriendly attitude of United States toward Great Britain.

April 26.—Admiralty Requiring return to be made to the navy office of any soldiers that may be on board His Majesty's ships.

May 1.—Admiralty. Regulations respecting rating and payment of petty officers and others on His Majesty's ships and vessels.

May 3.—Admiralty. Orders to hold courts-martial as often as is necessary.

May 9, Salvador del Mundo.—Admiral Young to Douglas. Order respecting the discharge of Frederick Jago, a foreigner.

May 24, Philadelphia.—P. Bond to British commanders. Intelligence of the *Eagle*, bound to St. Andrews and Porto Bello.

May 27.—Admiralty. Orders for the provision of those wounded in action.

May 29.—Admiralty. Orders with regard to trade and navigation to and from blockaded ports in France.

July 12, Boston.—Consul Allen to Hon. J. P. Beresford. Reporting mutiny on board the American schooner *Hannah*, in charge of H. W. Scott, of H. M. S. *Mermaid*, and the schooner taken from him and brought into Portland.

July 29, Boston.—Consul Allen. Inclosing a paper containing important intelligence respecting the French squadron.

July 29.—Admiralty. Act regulating postage of letters to and from petty officers and seamen and royal marines of the fleet.

[1] The lettering on the back of the volume.

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August 3, Halifax.—Captain Hollis, of H. M. S. *Mermaid*, to Admiral Berkeley. Reporting two seamen of H. M. S. *Saracen* left on shore at Bermuda, and transferred by him to the *Leander*.

August 4, Halifax.—Captain Hollis to Admiral Berkeley. Relating the circumstances in full of the mutiny on his prize, the *Hannah*, and the subsequent loss of the schooner, so that measures may be taken to punish mutineers.

August 4, Halifax.—H. W. Scott to Captain Hollis. Describing the mutiny on the schooner *Hannah*, and how the vessel was finally disposed of. Also description of mutineers and deserters belonging to H. M. S. *Mermaid*.

August 9.—Admiralty. Copy of act of Parliament relative to allotment for the maintenance of families of men in the British navy.

August 31, Lancaster, Pa.—Merry to Admiral Berkeley. Acknowledging letter and reporting insignificant naval force of the United States.

September 2, Philadelphia.—Consul Bond to Admiral Berkeley. Respecting movements of French ships.

September 3, Philadelphia.—Consul Bond to Admiral Berkeley. Acknowledging letter. Admiral Guillaumez in Hampton Roads with six ships, on one of which (the *Veteran*) is Jerome Bonaparte. All of these ships have suffered severely in the late gale.

September 3, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. The master of an American ship from Amsterdam reports being boarded by an officer from French ship; a British ship, her prize, in sight and on fire.

September 4, Lancaster, Pa.—Merry to Admiral Berkeley. Acknowledging letter. Relations of United States and Great Britain.

September 4, Lancaster, Pa.—Merry to Admiral Berkeley. Inclosing a copy of a protection produced by a so-called American impressed on H. M. S. *Cleopatra*. Jerome Bonaparte at Annapolis. French ships in distress. Newspaper clippings of September 3 containing information of the French squadron.

September 5, Lancaster, Pa.—Merry to Admiral Berkeley. Inclosing a copy of a letter dated September 3, 1806, from the acting vice-consul at Baltimore respecting Admiral Guillaumez's squadron.

September 5, Philadelphia.—Consul Bond to Admiral Berkeley. Informing him of damage done to French ships by the gale of August 19. Also of accident to H. M. S. *Chichester*, and that he fears all her men will desert before necessary repairs are made.

September 6, New York.—Consul Barclay to Admiral Berkeley. Reporting damage to the French ships and merchant vessels.

September 6, Philadelphia.—Consul Bond to Admiral Berkeley. Imparting information on the condition and strength of the French fleet.

September 8, Lancaster, Pa.—Merry to Admiral Berkeley. French ships in Hampton Roads; danger of H. M. S. *Chichester* (which is disabled) being blockaded or captured.

September 9, New York.—Consul Barclay to Admiral Berkeley. Inclosing letters from Mr. Merry, asking if he may hire dispatch boats if he has anything important to communicate.

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September 10, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Informing him of movements of French and British ships.

September 10, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Reporting damage to French ships in the gale of August 19.

September 13, Norfolk, Va.—The master of an American brig reports falling in with *l'Éole*, disabled. He was ordered on board and detained, his vessel with five others ordered to follow, in case they might give information; also reports the scattering of the French squadron in the gale of August 19.

September 14, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Informing him of the arrival of *l'Éole*, totally dismasted.

September 16, Philadelphia.—Consul Bond to any of the British commanders of His Majesty's ships of war. Information received that *l'Éole* has reached bay of Chesapeake dismasted and in a battered condition.

September 17, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Describing chase and running aground of *l'Impetueux;* the French commander, officer, and seamen sent to Hampton Roads in H. M. S. *Melampus.* French vice-commissary refuses to consider them prisoners of war, as the capture was made in United States territory.

September 18, off the Chesapeake.—Hargood to Douglas. Orders.

September 18, Norfolk, Va.—Consul Hamilton to Colonel Barclay. Asking him to forward inclosed letter to Halifax. Speaks of capture of *l'Impetueux* and the discussion it will cause in Washington.

September 22, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Congratulating him on his appointment in America. Reports the running aground of the *Chichester*, fears the crew will desert before repairs are made. Two French ships in Hampton Roads.

September 25, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Notifying him of the arrival of Sir John Warren with his squadron, and the movements of British and French fleets.

September 27, Lancaster, Pa.—Merry to Admiral Berkeley. French ship *l'Eole* in distress; unfortunately not seen by His Majesty's ships. *L'Impetueux* chased on shore and burned by H. M. S. *Melampus;* 600 of the crew delivered as prisoners of war to French consul at Norfolk. Other information of movements of the French and English squadrons.

September 28, St. George's Harbour, Bermuda.—Reports to Admiral Berkeley and others on the condition of H. M. S. *Tourterelle*, at present unfit for service.

September 28, Lancaster, Pa.—Merry to Hon. C. J. Fox. Report on commerce between United States and South America. Request made for passports for American vessels trading between United States and South America. He replies and states reasons for refusing.

September 28, Lancaster, Pa.—Merry to Admiral Berkeley. Inclosing copy of the above dispatch and relating how the United States flag is used to protect Spanish goods, and decides that the trade is illegal.

September 29, Philadelphia.—Consul Bond to Admiral Berkeley: Reporting capture and destruction of *l'Impetueux*. French ships disabled and probably laid up for the winter.

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September 30, New York.—Consul Barclay. Arrival of Sir John B. Warren at the capes of Virginia in pursuit of Admiral Guillaumez's fleet. Jerome Bonaparte making the best of his way to France.

October 2, New York.—Consul Barclay. Acknowledging letters. Authenticity of information sent to Admiral Berkeley. New York pilots not to be trusted to carry dispatches, as they are friendly to the French.

October 2, New York.—Moore to Admiral Berkeley. Acknowledging letter. Sir John Warren and Sir Richard Strachan aware of the position of the dispersed French squadron.

October 7, Philadelphia.—P. Bond to Admiral Berkeley. Acknowledging letter. *La Valeureuse* saluted by a detachment of United States artillery.

October 13, New York.—Consul Barclay to Admiral Berkeley. Reports that French vessels can not be repaired, owing to want of money and credit.

October 16, Hampton Roads.—Douglas to Admiral Berkeley. State and position of British and French ships.

October 21, Halifax.—Captain Richardson, of H. M. S. *Cæsar*, to Admiral Berkeley. Reporting the case of a deserter, and requesting the prosecution of those who harboured him.

October 23, Halifax.—Captain Richardson to Admiral Berkeley. More information about the above.

November 1, Washington.—Merry to Admiral Berkeley. Inclosing copy of dispatch relating to United States trade with South America. French squadron in the United States in pecuniary difficulties. Some of the seamen starving.

November 2, Washington.—Merry to Admiral Berkeley. Stating that the trade between the United States and South America is much larger than he was aware of.

November 6, Philadelphia.—Consul Bond to Admiral Berkeley. Relative to repairs of French vessels. The *George Washington* and *Indiana* to sail for France in a fortnight with ship's company, guns, and stores of *La Valeureuse*. Description of the *George Washington* and *Indiana*.

November 6, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. French ships still in want of repairs and will probably be detained for the winter. His Majesty's cutter *Zenobia* run aground. Duel took place between Mr. Otley and Mr. Connell of H. M. S. *Chichester*. Mr. Otley was killed.

November 9, Hampton Roads.—Captain Douglas to Admiral Berkeley. Acknowledging letters and order. His Majesty's cutter *Zenobia* with pilot on board run on shore; fears she is much damaged.

November 10, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Military movements in Europe. Presumes that hostilities have commenced between Prussia and France.

November 12, Philadelphia.—Extract describing the *George Washington* and the *Indiana*.

November 13, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Reporting on *La Valeureuse* and *La Cybèle*.

November 15.—Admiralty. Orders of protection for two years, issued to Forbes, Innerarity, and Simpson, to permit them to withdraw their effects from west Florida.

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November 16, Philadelphia.—Consul Bond to Admiral Berkeley. Stating that the *Indiana* will not accompany the *George Washington* to France.

November 17, New York.—Consul Barclay. Hon. David Erskine takes Mr. Merry's place as His Majesty's envoy extraordinary to the United States. The *George Washington* and *Indiana* will sail for France with crew, guns, and stores of *La Valeureuse;* either of these ships lawful and valuable prizes.

November 17, New York.—Consul Barclay to commanders of His Majesty's ships of war. Information of the sailing of the *George Washington* and *Indiana.*

November 20, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Inclosing letter from Hon. D. M. Erskine and reporting that French ships are not getting any repairs.

November 21, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Inclosing extract from a letter received from Consul Bond relative to the interception of the two ships described.

December 7, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Inclosing a letter from Consul Bond on the subject of the *George Washington.*

December 11, Washington.—Erskine to Admiral Berkeley. Relating to British seamen guilty of mutiny who have taken shelter in Boston; United States Government will not interfere.

December 18, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Repairs to French ships commenced.

December 18, Hampton Roads.—Douglas to Hamilton. Relative to impressment and detention of seamen stating themselves to be Americans.

December 23, Norfolk, Va.—Consul Hamilton to Admiral Berkeley. Inclosing extracts reporting on repairs to French ships.

December 24.—Claridge to Admiral Berkeley.

December 31, Norfolk, Va.—Consul Hamilton's deputy to Admiral Berkeley. Reporting on repairs to French ships.

1807, January 6, New York.—Consul Barclay to Admiral Berkeley. Acknowledging letter, etc. Reporting on repairs necessary to the cutter *Sylvia.* French ships in the Chesapeake said to be refitting.

January 7, Washington.—Madison. Respecting British deserters charged with mutiny, etc., on board an American vessel detained by a British ship. No obligations to surrender fugitives. Americans impressed in British service must be discharged.

January 9, Washington.—Madison to Erskine. Copies of two letters relative to discharge of Americans detained on British ships of war.

January 9, Washington.—Madison to Erskine. Relating to American seaman on H. M. S. *Bellona,* whether there voluntarily or not, it is an infringement of United States law.

January 12, off Cape Henry.—Strachan to Admiral Berkeley. Acknowledging letters and orders.

January 16, St. Georges.—General Hodgson to Admiral Berkeley. Respecting the schooner *Chebucto* and inclosing report on repairs necessary.

January 16, Washington.—Erskine to Admiral Berkeley. Stating case of a firm trading between United States and the Spanish main. United States Government more lofty in conduct toward the British as a result of

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Bonaparte's successes. It is to the interest of both to keep peace and to prevent Bonaparte obtaining universal empire.

January 18.—Captain Humphreys to Admiral Berkeley. H. M. S. *Leopard* arrives in Hampton Roads on the 10th instant. No hope of repairs to *Zenobia* before spring.

January 19, Washington.—Madison. Respecting discharge of Americans.

January 20.—Captain Douglas to Admiral Berkeley. Relating to John Trader, now on board H. M. S. *Bellona*, and claimed to be an American.

January 20.—Consul Hamilton to Captain Douglas. Inclosing a letter relating to John Trader. Other documents relating to the case of John Trader.

January 20, Hampton Roads.—Captain Douglas to Admiral Berkeley. Acknowledging receipts of orders. Arrival of Sir Richard Strachan in Lynhaven Bay on the 11th. Inclosing correspondence respecting the men who were sheltered in Boston.

February 11, Bermuda.—Hawker to Admiral Berkeley. Report on Admiral Guillaumez's dispatches.

February 20.—Admiralty. Additional instructions relating to the trade of neutral vessels.

February 20.—Captain Love, H. M. S. *Cleopatra*. Report on the movements of his vessel in vindication of his conduct.

February 20.—Admiralty. Instructions that all British vessels trading between any port of the island of Santo Domingo not in the immediate possession of France or Spain shall be permitted to proceed without interruption.

February 21, Barbados.—Douglas to Admiral Berkeley. Naval affairs relating to *Le Patriote*, *Bellona*, *Triumph*, *Melampus*.

March 2.—Shortland of H. M. S. *Squirrel* to Admiral Berkeley. Giving minute details of chase of U. S. S. *Brutus*.

March 4.—Austen to Admiral Berkeley. Relative to naval affairs.

March 8, Washington.—Erskine. President of United States objects to the treaty on account of omission of the subject of impressment of American seamen, and also because His Majesty reserves to himself the right of ratifying treaty; on these grounds he will send it back without even laying it before the Senate. All articles of it favorable to America.

March 20.—Captain Byam to Admiral Berkeley. Case of three men said to be American seamen.

March 20.—(1) Marsden (of the admiralty) to Admiral Berkeley. Transmitting copies of two letters from Madison relative to detention of Americans on board the *Bellona*. Admiralty commands that Captain Douglas be informed that he was incorrect in refusing to discharge the same on the ground of refusal of United States to surrender British deserters. (2) Admiral Berkeley answers that he had ordered discharge of Americans before receiving above.

March 21.—Austen to Admiral Berkeley. Informing him that he has detained an American brig from Matanzas.

March 29, Savannah.—Prices of masts and spars, and list of supplies procurable.

April 2, Charleston.—Austen to Admiral Berkeley. Relative to naval affairs, prices of masts, spars, etc.

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April 9, Washington.—Erskine to Admiral Berkeley. Respecting deserters from H. M. S. *Melampus*. Useless to press demands for them as no article of the treaty requires surrender of such.

April 16, Lynnhaven.—Douglas to Admiral Berkeley. Relative to Rochfort squadron, etc.

April 18, Washington.—Erskine to Admiral Berkeley. Wishing an interview.

April 19.—Lord Bathurst to Admiral Berkeley. Relating to change of administration and English affairs generally.

April 24, Washington.—Erskine to Admiral Berkeley. Inclosing papers communicating important intelligence.

May 2.—Marsden (of the admiralty) to Admiral Berkeley. Inclosing copy of Captain Hurd's observations on Admiral Berkeley's report on the situation to be selected for an establishment for careening and refitting His Majesty's ships in the Bermudas.

May 11.—Navy office to Admiral Berkeley. Orders respecting payment of pilots, and answer of Admiral Berkeley.

May 14, Chesapeake Channel.—Douglas to Admiral Berkeley. Answer to documents from lords of the admiralty expressing displeasure at his refusal to discharge Americans.

May 14.—H. M. S. *Bellona*. Certificate showing two seamen to be unfit for service.

May 14, Chesapeake Channel.—Douglas to Admiral Berkeley. Information of the situation of French ships.

May 19, Halifax.—Office of ordnance to Admiral Berkeley. Acknowledging letter telling of purchase of land, and in answer state they can not feel authorized to take further steps beyond making payment for the purchase of the land.

June 1, Chesapeake Channel.—Douglas to Admiral Berkeley. Acknowledging orders received.

June 11, Chesapeake Channel.—Douglas to Admiral Berkeley. Report of the capture of an English brig by a French vessel.

June 19.—Office of ordnance to Admiral Berkeley. Relating to purchase of land required for ordnance depot at Halifax.

June 23.—Captain Douglas to Admiral Berkeley. Inclosing letter from Captain Humphreys of H. M. S. *Leopard*, representing that in obeying the orders of Admiral Berkeley he was under the necessity of firing into the U. S. frigate *Chesapeake*.

June 27.—Captain Douglas to Admiral Berkeley. Acknowledging letters and instructions.

June 27, Lynnhaven Bay.—Captain Douglas to Admiral Berkeley. Case of the *Chesapeake*. British officer sent to consul under a flag of truce. While the officer was at the consul's, his boat was taken possession of by a mob. The military, police, and militia were called to the assistance of the officer.

July 2, Philadelphia.—Erskine to Admiral Berkeley. Relating to engagement between H. M. S. *Leopard* and the *Chesapeake*, and disputes as to nationality of seamen. United States claims British men to be Americans.

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July 11, Washington.—Erskine to Consul Hamilton. Respecting deserters it is neither his duty nor practice to inquire into such cases; they are always referred to His Majesty's admiral commanding on the Halifax coast.

July 14.—Mr. Erskine to Consul Hamilton. Relating to disputes about so-called American seamen. Extract from Consul Hamilton's private letter of the 17th of July, 1807, quoting Mr. Erskine's advice to forbear from doing anything which might make honourable adjustment between the two governments possible. He replies that he is quite sure nothing would be done to provoke hostilities, and to his knowledge not a single vessel had been interrupted.

July 14, Lynnaven Bay.—Captain Humphreys, of H. M. S. *Leopard.* Relating to deserters from American and British services, respectively.

July 15.—Sir Thomas Hardy to Consul Hamilton. In his opinion the dispatches from Mr. Erskine breathe peace and moderation which so fully accords with his ideas that nothing on his part shall be wanting to re-establish friendship between the two nations. Many hundreds of negroes who call themselves free anxious to join the British. Does not feel authorized in refusing these unfortunates an asylum. He would like the advice of His Majesty's envoy extraordinary for future guidance on this head.

July 17, Office of Ordnance.—Crew to Admiral Berkeley. In reply to the report on the conduct of the storekeeper at Halifax.

July 17, Brighton.—Lord Bathurst. Acknowledging letters. Expressing opinions on existing state of affairs between Great Britain and United States.

July 17, Norfolk, Va.—Consul Hamilton to Captain Douglas. Extract from a letter of His Majesty's envoy extraordinary. "Government of United States will apparently endeavor to settle present differences by negotiations rather than by hostilities (strong as the current of popular opinion appears to be for war)." Advocates prevention of any acts of violence being committed which may increase difficulty of amicable adjustment.

July 20, Washington.—Erskine to Admiral Berkeley. Informing him of the final determination of President of United States respecting communications between the commanders of His Majesty's ships and the British consuls. Also supplies will be furnished to His Majesty's ships in Chesapeake Bay if they will leave United States waters.

July 25, Chesapeake Channel.—Sir Thomas Hardy to Admiral Berkeley. Men from schooner *Hamilton* stopped and taken by militia to Norfolk. Sir Thomas Hardy demands them. Mutiny on schooner *Vesta.*

July 26, Norfolk, Va.—Brigadier-General Mathews to Sir Thomas Hardy. Returning him a packet, and explaining that communications from British ships can not be accepted unless accompanied by a flag.

July 27.—Sir Thomas Hardy, of H. M. S. *Triumph,* at sea, to Consul Hamilton. Inclosing copies of letters received from Brigadier-General Mathews and Major Tazewell.

July 27.—Tazewell. Methods to be observed in forwarding dispatches.

July 27.—Sir Thomas Hardy, of H. M. S. *Triumph,* at sea. Can not

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accept above method of communication. Asking his intervention in the case of five men serving in one of His Majesty's dispatch boats, who were (while fishing for amusement) made prisoners by United States soldiers.

July 28, Chesapeake Channel.—Sir Thomas Hardy to Consul Hamilton. Acknowledging dispatches. Able to contradict in the fullest manner false reports made by Government of United States as to the stopping or detaining of "vessels belonging to America." Begs him to assure Mr. Erskine that no one act of hostility has been committed on the part of the British since the affair of 22d of June.

July 28.—Captain Douglas and others. Investigation of mutiny on board His Majesty's schooner *Vesta*.

July 29 to August 9.—Sir Thomas Hardy to James Bradshaw and others. Correspondence relating to dispatches, provisions, etc.

July 30, Norfolk, Va.—Consul Hamilton to Sir Thomas Hardy. Answer to his letter of July 15. Fears he is in error in affording protection to negroes, as they may be runaway slaves.

August 1.—Brigadier-General Mathews to Sir Thomas Hardy. Answer to his letter of July 27, explaining that the five men taken prisoners were infringing instructions by attempting to get supplies. Returns the men with boat, etc. This act is not to be looked upon as a precedent in future cases.

August 1.—Hodgson. Glad to hear of rencontre between the *Leopard* and the *Chesapeake*, etc.

August 3, Chesapeake Channel.—Sir Thomas Hardy to Brigadier-General Mathews. Acknowledging letter and returning thanks to Captain Taylor for attention to young men while under his care. Informing him of some men in H. M. S. *Triumph*, who call themselves Americans, and submitting his ideas on the best mode of communication.

August 4.—Barrow to Admiral Berkeley. Reporting that the admiralty directs payment of 6d. per mile for maintenance and return of deserters.

August 5, Norfolk, Va.—Brigadier-General Mathews to Sir Thomas Hardy. Acknowledging receipt of letter, and thanking him for information respecting supposed Americans on board his ship. Also arrangements for communication and disposal of people of colour.

August 5, Norfolk, Va.—Consul Hamilton to Sir Thomas Hardy. Acknowledging letters. Reporting delivery of dispatches. President has called an extraordinary meeting of Congress to assemble October 26.

August 6.—Provisional agreement of communication between Sir Thomas Hardy and Captain Taylor of the United States.

August 7.—Admiralty. Order that the commanders of His Majesty's ships of war do not seize and detain the property of his ally, the King of Sweden.

August 8, Chesapeake Channel.—Sir Thomas Hardy to Brigadier-General Mathews. Acknowledging letter and reporting that missing slave has been found and will be delivered up. American citizen landed by this conveyance, and two boats picked up by this ship returned to be claimed by proper owners.

August 11, Chesapeake Channel.—Captain Hardy, of H. M. S. *Triumph*, to Admiral Berkeley. Inclosing copy of correspondence between Captain

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Bradshaw and the collector of customs at Norfolk. United States Government determined to cut off all communication between His Majesty's ships in the Chesapeake and the British consul except by unsealed letters, which offer has been refused.

August 11, Philadelphia.—Erskine to Admiral Berkeley. Will not consent to correspond under flag of truce, as it would be acknowledging a state of hostility existing between His Majesty and the United States. More points as to American ideas about deserters.

August 12, Philadelphia.—Erskine to Madison. Sir Thomas Hardy does not consider mode of communication under flag of truce admissible. Denying that Captain Douglas had ever given orders to have United States vessels stopped, except for the purpose of obtaining intelligence from the shore when all communications with His Majesty's consul had been cut off. Hostile acts committed by people of Norfolk.

August 12, Norfolk, Va.—Consul Hamilton to Sir Thomas Hardy. Reporting United States regulations of communications between British legation and His Majesty's ships.

August 18, Chesapeake Channel.—Sir Thomas Hardy to Admiral Berkeley. Inclosing extract of letter from secretary of legation, reporting preparations for revenge of insult offered the *Leopard* on the Chesapeake.

August 16, Philadelphia.—Erskine. Reporting United States attitude toward British deserters. Refuse to have their ships searched.

August 18–September 19, Halifax.—Tonge to Admiral Berkeley. Plans with reference to fisheries and resources of the locality.

August 21.—Madison to Erskine. All dispatches to and from British naval commanders and consuls must pass under flag of truce. In the case of ships off the coast the flag will not be required, provided that the proclamation of the President is not violated. Respecting enlistment of deserters.

August 24.—Admiralty. Directions that vessels under the flag of certain German countries shall be warned not to trade in future to any hostile port.

August 24, St. John, New Brunswick.—Leonard to Admiral Berkeley. Case of the American schooner *Harmony*, brought into the port of St. John by Captain Flintaph, of His Majesty's cutter *Porgy*.

August 24.—Admiralty to Admiral Berkeley. Concerning the *Leopard* and *Chesapeake* affair, Lords of Admiralty express their disapproval of his order of the 1st of June, tending to produce measures of violence, and think it best to appoint an officer to succeed him.

August 26, Halifax Harbor.—Court-martial and sentence of death on Jenkin Ratford, British seaman.

August 29, Philadelphia.—Erskine to Admiral Berkeley. Men who have deserted from His Majesty's ships, had enlisted voluntarily; doubtful if they are Americans. Inclosing copy of letter from Mr. Madison, who states reasons for not delivering up British seamen guilty of mutiny, piracy, and attempt to murder. Demands release of impressed Americans.

September 3.—Admiralty to navy board. Relative to payment for recovery and return of deserters to Halifax.

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September 4.—Admiralty to Admiral Berkeley. With new orders as regards allowance for maintenance and return of deserters.

September 4.—Admiralty. Order that all ships and vessels belonging to Denmark shall be brought into port.

September 5.—Admiralty to Admiral Berkeley. Commands to concert with lieutenant-governor and His Majesty's force at Halifax for the defense of the harbour and provinces of New Brunswick and Nova Scotia in case hostilities should unfortunately occur.

September 6, Clyde in the Downs.—Owen to Pole (of the admiralty). Describing torpedo invented by Robert Fulton.

September 10, Philadelphia.—Erskine to Admiral Berkeley. Provisions and water furnished His Majesty's ships upon their leaving United States waters. Attitude toward British hostile.

September 10, Philadelphia.—Erskine to Admiral Berkeley. Private and confidential. Can not agree with him that our Government will justify order issued by him to search the *Chesapeake*. Hopes due credit will be given him for trying at first to amicably settle the subject of deserters.

September 10, Fort Nelson.—Captain Saunders (United States) to Colonel Burbeck. Respecting five British soldiers. He never enlisted any man in English uniform, nor did he know until some time afterwards that they were deserters. Hopes these men will not be delivered until American deserters are returned.

September 11, Halifax.—Heads of private letters sent to Mr. Boyleston, Boston. If a war can be carried on with Great Britain by the United States the President intends to place Moreau at the head of the army intended to invade British colonies; this has been proposed in council. In case of war it would be to the interest of the Northern States to take advantage of the opportunity to shake off the bondage of unequal rights and ally themselves to Great Britain. Further correspondence, if wished, on above subject may be conducted by cipher, which will be sent under cover to the commissioner.

September 16, New York.—Cipher letter (with explanations) reporting the United States disposed for war.

September 16, Quebec.—Thomas Dunn to Admiral Berkeley. Inclosing Quebec Gazette, September 10, 1807, which shows what steps have been taken toward putting this province in a state of defense as relates to militia. Acknowledges letter.

September 21, St. George's.—General Hodgson to Admiral Berkeley. Private. Batteries on the island in a very bad condition. Declaration of war on part of Great Britain would be more beneficial to the country than amity with United States. French property evidently concealed under United States flag. Every opportunity used to excite mutiny and desertion among British sailors and soldiers.

September 22, Washington.—Madison to Erskine. With regard to British soldiers, deserters. Orders to be given to refuse their enlistment in United States Army.

September 29.—Discussion between Great Britain and the United States on the subject of impressing seamen and sheltering deserters. (Extract from Boston Repertory, September 29, 1807.)

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October 3, Nova Scotia.—Documents to certify (1) that Robert Horton and Benjamin Horton are natives of Yarmouth, Nova Scotia; (2) that the above have been enrolled and belong to the Second Battalion of Shelbourne militia.

October 10, Washington.—Madison to Erskine. On supposed British seamen being seized from United States vessel within the circuits of the United States.

October 14, St. Georges.—Hodgson. Relating to the *Chebucto*, etc.

October 15, Charlottetown, Prince Edward Island.—Hickey to Admiral Berkeley. Describing accident to H. M. S. *Squirrel.*

October 16, Admiralty Office.—Pole to Admiral Berkeley. Acknowledging receipt of letters on naval matters.

October 16, Hampton Roads.—Douglas to Admiral Berkeley. State and position of British and French ships.

October 17.—Lord Bathurst to Admiral Berkeley. Acknowledging letters, and discussing Admiral Berkeley's future prospects.

October 20, St. John, New Brunswick.—Ludlow to Admiral Berkeley. Showing weakness in defenses of New Brunswick and necessity of having war ships for protection.

October 21, Philadelphia.—Erskine to Admiral Berkeley. Reporting that it has been communicated to him by His Majesty's Government "that His Majesty does not and never has maintained the pretension of a right to search national armed ships for deserters."

October 23, Admiralty Office.—Pole to Admiral Berkeley. Relative to writ of capias served upon Captain Douglas for false imprisonment of deserter and reporting that measures are to be taken to exonerate Captain Douglas.

October 24, Charlottetown, Prince Edward Island.—Governor Du Ban. Relating to H. M. S. *Squirrel* grounding on a shoal and consequent expense incurred getting her afloat.

October 28, Admiralty Office.—Pole to Admiral Berkeley. Referring to communication of October 23, and reporting commands from the lords commissioners to pay money incurred in this instance.

October 30.—Admiral Berkeley to Ludlow. Answer to letter of October 20.

October 30, St. John, New Brunswick.—Leonard to Admiral Berkeley. Defenses being repaired on Moose Island. Reports movements of American ships. Incloses newspaper clipping relating how a packet addressed to Mr. Erskine was taken from pilot and sent to the President of the United States.

October 31, Admiralty.—Lord Mulgrave to Sir John Warren. Inclosing letter to Admiral Berkeley.

November 9, St. John, New Brunswick.—Leonard to Admiral Berkeley. Report on Moose Island and adjacent islands.

November 10, St. John, New Brunswick.—Leonard to Admiral Berkeley. Inclosing his son's report.

November 18.—Admiralty. Instructions as to neutral vessels destined to any port of France.

November 18, Boston.—Mr. B. Ill feelings caused by affair of the *Chesa-*

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peake subsiding. Canada would be no advantage to the United States, as it would incur much expense to maintain.

November 18.—Order that all sales to neutrals of vessels belonging to His Majesty's enemies shall be considered illegal.

November 23, Halifax Harbour.—Court-martial and sentence of seamen, and ultimate pardon by the King.

November 23.—Admiralty to Admiral Berkeley. Order that letters of marque and reprisals be issued against all ports and places in the Mediterranean and Adriatic Sea occupied by arms of France and her allies, * * * and orders to seize and destroy all ships and vessels belonging to the same.

November 23.—Admiralty to Admiral Berkeley. As advice has been received of a declaration of war on the part of Denmark against Great Britain, all ships and vessels belonging to Denmark to be seized and destroyed as occasion may offer.

November 25.—Admiralty. Orders relating to trade and commerce of countries and allies of France.

November 26, New Brunswick.—Leonard to Admiral Berkeley. Regretting Admiral Berkeley's departure for Europe.

November 26, Nova Scotia.—Sabatier to Admiral Berkeley. Relative to production of hemp in the province. * * * Soil and climate very favourable.

November 27.—Admiralty. Pole to Admiral Berkeley. Notifying him that Sir John B. Warren will relieve him of command at Halifax, and directions to deliver into his hands all orders and instructions.

December 7, Halifax.—Admiral Berkeley to Leonard. Acknowledging his letter of November 26.

December 7, Halifax.—Judge Croke to Admiral Berkeley. Respecting dollars in the *Fly* schooner.

December 9.—Sir John Wentworth to Admiral Berkeley. Relating to oil for light-house.

December 10, Halifax.—Judge Croke to Admiral Berkeley. As order is now made for the transmission of specie found on the *Fly*, naval service may be accommodated with the same.

December 11, Halifax, Nova Scotia.—Captain Mackellar to Admiral Berkeley. Orders that prisoners of war be furnished with necessary clothing during the winter.

December 11, Halifax, Nova Scotia.—Sir John Wentworth to Admiral Berkeley. In case of trouble with the United States, Halifax town and harbour in great danger unless reenforced by three war ships; and Admiral Berkeley's answer.

December 29, New York.—Private cipher correspondence from different people, relative to American movements, and key. Received at Bermuda January 6, 1808.

December 29, Hampton Roads, H. M. S. Station.—Rose to Admiral Berkeley. Requesting him to direct inclosed packet to Mr. Secretary Canning.

Proclamation by the King. For recalling and prohibiting seamen from serving foreign princes and states.

1808, January 20.—Sir J. Wentworth to Admiral Berkeley. Apprehends

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that war, though unpopular, is imminent, as the ruling party in Congress is in favour of it. Halifax requires every possible aid to protection.

February 10, Washington.—Rose to Admiral Berkeley. Thanking him for arrangements made for conveyance of dispatches to Bermuda.

February 14, Washington.—Letter in cipher, and key.

February 17, Washington.—Erskine. Acknowledging letter and reporting all hope of amicable termination of Mr. Rose's mission at an end. United States has no idea of declaring war on the ground of failure of the negotiation.

1809, March 1,—H. M. S. *Shannon* and *Arrow* at sea. Reports of movements of French war ships.

March 11, Lisbon.—British merchants to Admiral Berkeley. Requesting delay of Newfoundland convoy, as they are desirous of protection to cargoes shipped from New York.

April 21, Ponta Delgada, Island of St. Michael.—William H. Read (British consul) to Admiral Berkeley. Relative to American vessels landing produce at the port.

May 1, Lisbon.—William Jarvis (United States consul) to Admiral Berkeley. Asking discharge of two American seamen impressed on the *Zealous*, and Admiral Berkeley's answer.

June 24, New Haven.—Abraham Bishop. Certificate of protection issued to Lyman Woolcott.

July 29, New York.—William Williams. Certificate of protection issued to William Rowland.

1810, January 26, Cadiz Bay.—Admiral Pickmore to Admiral Berkeley. Interesting account of affairs on Spanish coast.

February 8, River Tagus.—Kent to Admiral Berkeley. Impressment of British apprentices taken from American brig.

February 14, Lisbon.—William Jarvis (United States consul). Protection issued to Joseph White, American seaman.

April 12, River Tagus.—Captain Hardy to Admiral Berkeley. Case of Joseph White, American seaman, who was impressed.

July 13, River Tagus.—Captain of sloop *Doterel* to Admiral Berkeley. Relative to seamen impressed.

1811, June 1, River Tagus.—Captain Berkeley to Admiral Berkeley. Relative to discharge of men claimed by the United States consul to be Americans.

June 4, Lisbon.—H. H. Green (Deputy consul United States). Statement relative to impressment of Lyman Woolcott and S. G. Hinds. Note by Admiral Berkeley.

June 21, River Tagus.—Captain Berkeley to Admiral Berkeley. American seamen impressed.

1812, January 31.—Colonel Fisher to Admiral Berkeley. Shot for guns.

No dates given to the following:

Commodore Barron's report to Mr. Madison. Statements of Americans impressed on H. M. S. *Melampus*.

New York.—Cipher letter sent to admiral's office, Nova Scotia.

Memoranda of letter sent in cipher.

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NOTE.—*L'Éole* impresses American sea
French ships ordered out of United State
Plan of operations in case of war with
gence of the negroes and how they could
Thermometrical log of H. M. S. *Leop*
and January 16, 1807, from Bermuda to
Admiral Berkeley to Sir Joseph Banks
above log of the *Leopard*.
Admiral Berkeley. Statement of tra
scription of hostile feeling toward the Br
Fisheries and light-houses of Nova S
Attempts of Americans to monopolize fis
Lord Bathurst to Admiral Berkeley.
removal from command of Halifax. E
his act could not be justified in any way.
Lord Bathurst to Admiral Berkeley.
fore his (Admiral Berkeley's) successor w
not begun. American minister protests he
Lord B. thinks he will judge it convenien
Thinks it probable Admiral B. will be gi
confidence).

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XVIII.—TITLES OF BOOKS ON ENGLISH

SELECTED AND AN

By W. DAWSON J

[Reprinted without the incidental criticism from history" published by the American Library Assoc and on cards for use in card catalogues.]

H. Doc. 548, pt 1——40

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TITLES OF BOOKS ON ENGLISH HIS

With notes by W. Dawi

Arbuthnot, Sir Alexander John.
Lord Clive: the foundation of Briti
Greater Britain.) London and New
318 p. Portrait, maps. D. $1.50.

A sketch of the life of Robert Clive, 1725–
civilian. See also Charles Caraccioli "Lif
account of him by Sir John Malcolm, 1836.
Ath., 1899, 2:89; Sat. R., 87:405.

Baldock, Thomas Stanford.
Cromwell as a soldier. (Wolseley
1899. 15+538 p. Maps, plans. O.

A military biography of Cromwell; by a
contains general account of Cromwell's ca
war in England in the middle of the seven
work of Fritz Hoenig, 2 v., 1887–88, and t
4:571 (C. Oman); 5:597 (C. H. Firth)]. Th
Irish campaign, by Denis Murphy, 1883, a
Douglass, 1896, may be noted; also N. L. Wa
great civil war," 1886.
Eng. Hist. R., 14:569 (S. R. Gardiner); A

Balfour, Lady Elizabeth Edith (Lytto
The history of Lord Lytton's India
London and New York, Longmans, 1
map. O. $5.

The authorized history of the Indian adn
Lytton, 1876–1880; from letters and official
relations between England and Russia in A
finance, civil service, etc.; of great value t
also Digby's "Famine campaign in southern
and public works of India, 1869–1881;" 1882,
1878–1880," 2 v., 1882.
Ath., 1899, 2:681.

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BATE, PERCY H.

The English pre-Raphaelite painters, their associates and successors. London, Bell, 1899. 16+126 p. Plates. Q. 42s.

A brief biographical survey of the pre-Raphaelite movement, 1848–1899, describing briefly the work of Ford Madox Brown, Holman Hunt, Millais, Rossetti, and more briefly still that of Collinson, W. M. Rossetti, F. G. Stephens, Woolner, Deverell, Sandys, Solomon, George Wilson, Arthur Hughes, Noel Paton, C. A. Collins, William Morris, W. S. Burton, Windus, Lawless, Martineau, Webbe, Wallis, Brett, Moore, Leslie, Storey, Prinsep, Watson, Calderon, Tissot, Lewis, Shields, Crane, Scott, Burne-Jones, Stanhope, Murray, Strudwick, Rooke, Stillman, Morgan, with elaborate illustrations. Cosmo Monkhouse, "British contemporary artists," 1899, describes more fully Watts, Millais, Leighton, Burne-Jones, Orchardson, Alma-Tadema, Poynter.

Nation, 69:352.

BECKE, LOUIS and JEFFERY, WALTER.

Admiral Phillip: The founding of New South Wales (Builders of Greater Britain). London and New York, Longmans, 1899. 20+336 p. portrait, map. D. $1.50.

The only biography of Arthur Phillip, 1738–1814, vice-admiral and first governor of New South Wales; from Phillip's dispatches and contemporary chronicles; describes his career between 1786–1792 very fully; a narrative of the founding of New South Wales. See also John D. Lang "Historical and statistical account of New South Wales" (1788–1875). 2 v., 1875.

Ath., 1899. 2:411; Sat. R., 88:427; Eng. Hist. R. 15:199 (H. E. E.)

BEERS, HENRY AUGUSTIN.

History of English romanticism in the eighteenth century. New York, Holt, 1899. 7 + 455 p. O. $2.

An essay upon the romantic element in English literature in the eighteenth century; by a professor of English literature in Yale University; discusses the Augustans, Spenserians, landscape poets, Miltonic group, Warton school, Gothic revival, Percy ballads, Ossian, Chatterton, German influence. See also Wm. L. Phelps "Beginnings of the English romantic movement," Boston, 1893, and the more comprehensive studies of the English literature of this period, English, Gosse, 1889, German, Hettner, 1872, American, Thos. S. Perry, 1883.

Ath., 1899. 2:312; Sat. R., 88:458 (unfav.).

BENSON, ARTHUR CHRISTOPHER.

Life of Edward White Benson. London and New York, Macmillan, 1899. 2 v. Illus. portraits, plates. O. $8.

The authorized biography of Edward White Benson, archbishop of Canterbury, 1883–1896; by his son; contains correspondence with J. B. Lightfoot, Miss E. Wordsworth, A. J. Mason, and others; a detailed account of Benson as student at Cambridge, Master at Rugby, Head Master at Wellington, Chancellor of Lincoln, Bishop of Truro, and Archbishop, with much relating to the Lincoln trial, ecclesiastical legislation, and relations with the Colonial Church, the Eastern Church, and the Roman Catholic Church.

Ath., 1899. 2:855.

BINGHAM, JENNIE M.

Life of the seventh earl of Shaftesbury. Cincinnati, Curts, 1899. 289 p. D. 90c.

A short biography of Anthony Ashley Cooper, seventh Earl of Shaftesbury. 1801–1885, philanthropist; based upon the standard biography by Edwin Hodder, 3 v., 1886; contains an account of the Earl's reform measures relative to child labor and the factory system.

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BOULGER, DEMETRIUS CHARLES.

Life of Sir Stamford Raffles. London, Marshall, 1899. 15 + 403 p. Illus. portraits, maps. O. 6s.

A cheaper edition (1st ed., 1897) of the standard biography of Thomas Stamford Bingley Raffles, 1781–1826, governor of Java, 1811–1815, and of Bencoolen, Sumatra, 1817–1824; by the sometime editor of the Asiatic Quarterly Review, from original sources; describes the career of Raffles, the founding of Singapore, the key to the road between India and the Far East, and the beginnings of British Malay Empire during the Napoleonic wars, relations with the Dutch and with the Malays; of interest and value to the student of imperial history and administration. Note a shorter life by H. E. Egerton, 1900 (Builders of Greater Britain), also Lady Raffles's Memoir, 1830, and Maj. Wm. Thorn "Conquest of Java," 1816, and N. H. Levyssohn "De Britsche heerschappij over Java en onderhoorigheden, 1811–16," s' Gravenhage, 1857.

Ath., 1898. 1:179; Spec. 80:547.

BUTLER, Sir WILLIAM FRANCIS.

Life of Sir George Pomeroy-Colley, 1835–1881. London, Murray, 1899. 7 + 431 p. Portraits, plates, maps. O. 21s.

A biography of the British African soldier and administrator; describes his career in China, 1860; in Ashanti, 1873; in India, 1877, and in South Africa, against the Kaffirs, 1854, and against the Boers, 1879; interesting to the student of imperial conquest and administration; supplemented by Henry Brackenbury, "Narrative of the Ashanti War," 2 v., 1874; Thomas F. Carter, "Narrative of the Boer War, 1880–1881," 1883; and Wm. H. P. Greswell, "Our South African Empire," 2 v., 1895, and the standard histories of George M. Theal.

Ath., 1899. 11:35.

CHURCHILL, WINSTON LEONARD SPENCER.

The River War, an historical account of the reconquest of the Soudan; edited by Col. F. Rhodes. London and New York, Longmans, 1899. 2 v. Illus. portraits, plates, maps, plans. O. $10.

A history of the war between British and Soudanese, 1896–1899; by the author of several military narratives, one of the Twenty-first Lancers on the Nile Expeditionary Force; contains a detailed and animated record of the origin of the war in the rebellion of the Mahdi, the recovery of Dongola, the battle of Omdurman, the Fashoda incident, etc., with lists of contemporary narratives and government publications consulted.

Ath., 1899. 2:751; Nation, 70:131.

COLLET, COLLET DOBSON.

History of the taxes on knowledge, their origin and repeal. London, Unwin, 1899. 2 v. Portrait. O. 16s.

The first history of the agitation against paper duties, newspaper stamps, and advertisement duties, 1849–1861; by the secretary of the association for promoting the repeal of the taxes on knowledge; contains a history of the origin of the taxes on knowledge in the eighteenth century, early agitation against them, the work of the association for promoting the repeal of the taxes on knowledge, of the London association for the repeal of the advertisement duty, and of the newspaper and periodical association for the repeal of the paper duty, with much relating to the periodical and newspaper press, John Francis, and others.

Ath., 1900. 1:78.

CUST, LIONEL.

History of Eton College (English public schools). London, Duckworth, 1899. 16 + 318 p. Portraits, plates. O. 5s. net.

A history of Eton, 1440–1899; by an Etonian. See also the standard work by H. C. M. Lyte; for biography, A. C. Benson, "Fasti Etonenses;" and for original material, Chetwynd-Stapylton, "Eton School Lists."

Ath., 1900, 1:8; Nation, 70:366 (unfav.).

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CUTTS, EDWARD LEWES.

Parish priests and their people in the Middle Ages in England. London, S. P. C. K., 1898. 17 + 579 p. Illus. plates. D. 7s. 6d.

An account of the mediæval parish church; from numerous, chiefly printed, sources; describes the priest, his education, duties, dress, the parsonage and its furniture, the church fabric and service, and the relations between parish and monastery, and parish and cathedral, chantries, guilds, etc., with numerous illustrations from MS. sources.

Acad., 55:69; Literature, 3:491.

DAVIS, HENRY WILLIAM CARLESS.

Balliol College (Oxford College histories). London, Robinson, 1899. 6 + 2 + 237 p. Plates. D. 5s.

A short history of Balliol College, 1266–1899; by a sometime scholar of Balliol from MS. and printed sources; contains much illustrative of the Renaissance movement, something regarding college politics in the eighteenth century, etc., with appendices descriptive of authorities printed and MS. (pp. 224–28). Baroness F. De Paravicini "Early history of Balliol College," 1891, is of value for the history of the thirteenth and fourteenth centuries; Henry Savage, "Balliol-Fergus," 1664, of value for the seventeenth century.

Ath., 1900. 1:170.

FISHER, GEORGE WILLIAM.

Annals of Shrewsbury School. Revised by J. S. Hill. London, Methuen, 1899. 13 + [1] + 508 p. Portraits, plates. 10s. 6d.

A history of Shrewsbury School, 1556–1899, the old school of Northwestern England; based upon E. Calvert "Regestum scholarium, 1562–1635," for the earlier period, the "Life and letters of Dr. Samuel Butler," 1896, for the later period, and other sources; contains an account of the administrations of the successive head masters, with little about school studies or life.

Ath., 1899. 2:381; Sat. R., 88:301.

FITCHETT, WILLIAM HENRY.

How England saved Europe; the story of the great war, 1793–1815. London, Smith Elder; New York, Scribners, 1899–1900. 4 v. Illus. portraits, plates, facsimiles, plans. O. $2 each.

A popular history of the Anglo-French wars, 1793–1815; by the author of "Deeds that won the Empire," "Fights for the flag," etc.; from the most accessible sources; contents (v. 1), From the Low Countries to Egypt (v. 2), Nelson and the struggle for the sea (v. 3), The war in the Peninsula (v. 4), Waterloo and St. Helena.

Am. Hist. R., 5:762 (H. M. Bowman); Ath., 1900, 1:648.

FORTESCUE, JOHN WILLIAM.

History of the British army. London and New York, Macmillan, 1899. v. 1–2. Maps, plans. O. $14.

The standard history of the British army from the earliest times to 1870; by a civilian, author of the "History of the Seventeenth Lancers," 1895; contains a history of the army (v. 1-2 to 1763, v. 3–4 in preparation), its military operations, civil administration, and political relations. For fuller details, see John Hewitt "Ancient armour to the end of the seventeenth century," 3 v. 1855–1856, and Colonel Clifford Walton "History of the British standing army, 1660–1700," 1894, two books which supersede Sir Sibbald Scott's British army to 1688, 3 v., 1868–1880.

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GOSSE, EDMUND.

. Life and letters of John Donne. New York, Dodd, Mead; London, Heinemann, 1899. 2 v. Portraits, plates, facsimiles. O. $8.

The first full biography of Donne, 1573–1631, "a celebrated poet and the greatest preacher of his age;" from hitherto unused sources, etc.; describes Donne as a man and as an author, shows the influence of Spanish literature, has little about contemporaries; of such value that we may follow Donne's career more minutely than that of any other Elizabethan or Jacobean man of letters, except, perhaps, Bacon; but reliable. See also the valuable study of Donne as a preacher by Augustus Jessopp, 1897, the little classic by Isaac Walton, and Gosse's "Jacobean Poets," 1894 (University extension manuals).

Ath., 1899, 2: 645; Nation, 70: 111, 133 (unfav.).

HARDY, ERNEST GEORGE.

Jesus college (Oxford college histories). London, Robinson, 1899. 11+252 p. D. 5s.

The only history of Jesus college, 1571–1899, the Welsh college of Oxford; by a vice-principal and assistant tutor of the college, principally from ms. sources; contains matter chiefly illustrative of the Puritan period, with notes on the muniment room and library, etc. Note also the life of Francis Mansell (1579–1665), principal of Jesus college, by his co: temporary Sir Leoline Jenkins, printed in 1854.

Ath., 1900. 1:170.

HARRIS, J. HENRY, editor.

Robert Raikes, the man and his work. Bristol [England], Arrowsmith; New York, Dutton, 1899. 24+335 p. Illus. portraits, facsimiles. O. 7s. 6d.

Some memorials of Robert Raikes, 1736–1811, the founder of Sunday Schools; from shorthand notes taken in conversation with contemporaries by the late Josiah Harris, unpublished letters of Raikes, etc.; contains matter relating to the origin (1783) and early history of Sunday Schools in England, and history of provincial journalism in the eighteenth century, with letters from prominent evangelical clergy of to-day upon the influence of Sunday Schools; of interest to the student of social reform. Joseph Belcher, "Robert Raikes," Philadelphia, 1859, contains little about Raikes; see also biography by Alfred Gregory, 1877.

Ath., 1899. 2:155.

HENDERSON, BERNARD WILLIAM.

Merton college (Oxford college histories). London, Robinson, 1899. 16+304 p. Illus. plates. D. 5s.

Account of Merton 1264–1898; uses W. H. Stevenson's "Calendar of Merton Records" and ms. sources; contains a history of the college (pp. 1–179, and a description of the college (pp. 179–283), with list of authorities (pp. 283–285). See also work of George C. Brodrick, "Memorials of Merton," Oxford Hist. Soc. 1885, also the detailed account of the early history of the college in Edm. Hobhouse, "Life of Walter de Merton," 1859.

Ath., 1899. 1:654; Sat. R., 87:628.

HUNT, WILLIAM.

The English church from its foundation to the Norman conquest (567–1066). London and New York, Macmillan, 1899. 19+444 p. D. $1.50.

History of the Anglo-Saxon church, the first volume of "A history of the English church," edited by W. R. W. Stephens and Wm. Hunt; contains a general history of the Roman mission, the Whitby synod, Anglo-Saxon monasticism, etc.,

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with list of authorities. Note Wm. Bright, "Early English church history (to 709)," ed. 1897, also "History and antiquities of the Anglo-Saxon church" by the Roman Catholic, John Lingard, 2v. ed. 1858, and "The Anglo-Saxon church, its history, revenues, and general character," ed. 1856, and "Doctrines of the Anglo-Saxon church," 1830 (Bampton lecture), by the Anglican Henry Soames for fuller but somewhat antiquated descriptions of church institutions.

HUNTER, SIR WILLIAM WILSON.

History of British India [1418–1623]. London and New York, Longmans, 1899. v. I. Maps. O. $5.

History of the beginnings of British Empire in India, being the first part of a History of India uncompleted because of the death of the author; by an Indian civilian and authority on Indian history; contains an account of the struggle between Christendom and Islam for the Indian seas, between Portuguese and English, English and Dutch, with much useful bibliographical information; see also documentary material in Henry Stevens, Birdwood and Foster, Danvers and Foster, etc. Note, too, R. S. Whiteway, "Rise of Portuguese power in India, 1497–1550," 1899.

Eng. Hist. R., 14:566. (G. Le Strange;) Ath., 1899. 1:745; Sat. R., 87:338.

KENT, CLEMENT BOULTON ROYLANCE.

The English radicals, an historical sketch. London and New York, Longmans, 1899. 11+451 p. D. $2.50.

History of English radicalism, 1761 to the present; from the more accessible printed sources; contains some account of the origin of English radicalism, its representatives, and its principles. There is a less able discussion of this subject by Edward Smith, "English Jacobins," of its earlier phase by J. B. Daly, of its later phase by J. H. Rose.

Ath., 1899. 2:461; Quar., 191:207.

KNAPP, WILLIAM IRELAND.

Life, writings, and correspondence of George Borrow. London, Murray; New York, Putnam's, 1899. 2 v. Illus. portraits, plates, plans. O. 32s. $6.

The authoritative biography of George Borrow, 1803–1881, English author, traveler, linguist; from ms. and other sources; describes his strange character and stranger adventures, among gypsies, Russians, Spaniards, the influence of William Taylor, etc.; from the point of view of an admirer. Borrow's autobiographies, entitled "Lavengro" and the "Romany Rye," should be noted.

Ath., 1899. 1:332; Sat. R., 87:372; Critic, 34:430 (illus.); Blackw., 165:724 (unfav.); Quar., 189:472.

LEACH, ARTHUR FRANCIS.

A history of Winchester college. (English public schools.) London, Duckworth; New York, Scribner's, 1899. 14+564 p. Illus. plates. D. $1.50.

General history of Winchester college, the mother of schools, 1382–1899; from Kirby, Adams, and original sources. See also T. F. Kirby's antiquarian "Annals," 1892, and Henry C. Adams, "Wykehamica," 1878, a memorial rather than a history; also M. E. C. Walcott, "William of Wykeham," 1852, for the early history, and C. W. Holgate's contributions to the history of the school, the "Long Rolls, 1653–1721," and the "Commoners."

Ath., 1899. 1:748; Nation 69:133.

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LOVETT, RICHARD.

History of the London Missiona
Froude, 1899. 2 v. Portraits, maps

History of the society for foreign missior
from the society's letters, journals, minu
of the society's missions in Polynesia, M
and China, of missions abandoned, and of
illustrated "Story of the L. M. S.," by C.
the early history of the society by John M
of its history in India by George Gogerly,

MCCARTHY, JUSTIN.

Reminiscences. New York, Ha
$4.50.

Reminiscences of the years 1852–1896, by
Carthy, contains accounts of most of the p
and America, including notices of the
Raphaelitism, positivism, home rule, Parl
Mill, Lord John Russell, Randolph Ch
Manning, Kingsley, Froude, Freeman, Eli
about well-known men by one who has k
Ath., 1899, 1:647; Sat. R., 87:658; Nation
Howells); Forum, 28:374 (W. P. Trent).

MCCARTHY, JUSTIN.

Story of the people of England in th
nations). London, Unwin; New Yor
plates. D. $3.

A popular history of England in the nin
entitled "Modern England"); contains
the church, industry, science, art, and th
period (1837–1897) is by the same author, 5
history (1815–1886), by Spencer Walpole,
of our time, 1837–1871," 1872, with supplem
erence for chronology.
Ath., 1899, 1:656; Nation, 69:229.

MACKAIL, JOHN WILLIAM.

Life of William Morris. London
2 v. Portraits, plates. O. $7.50, n

The authorized biography of William
socialist; by a friend; describes fully his c
to the history of pre-Raphaelitism, Ritu
the Socialist League. See also S. C. Cock
H. B. Forman, "Books of Wm. Morris;" 1
ris," 1897, Percy H. Bate, "History of th
lives of Rossetti and Burne-Jones.
Ath., 1899, 1:587; Critic, 35:620 (J. L. G.
Blackw., 66:16.

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MANNERS, WALTER EVELYN.

Some account of the military, political, and social life of John Manners, Marquis of Granby. London and New York, Macmillan, 1899. 10+463 p. Portraits, plates, maps. O. $7.

A substantial biography of John Manners, 1721–1770, commander of the English forces in Europe in the Seven Years' War; from the Newcastle Papers, Grenville Papers, and other sources; contains account of Granby's life, traversing the judgments of Walpole and of Junius, and a narrative of the English share in the Seven Years' War, with bibliographical list. Note E. v. d. Knesebeck, "Ferdinand Herzog zu Braunschweig während des siebenjährigen Krieges," 2 v. 1857, J. W. v. Archenholz, "Geschichte des Siebenjährigen Krieges," 1793, 1879; and the French works of Richard Waddington, 1897, 1899.

Ath., 1899, 2:716.

MAXWELL, SIR HERBERT, BART.

The life of Wellington, the restoration of the martial power of Great Britain. London, Sampson Low; Boston, Little, Brown, 1899. 2 v. Portraits, plates, maps, plans. O. $11.25.

A companion to Captain Mahan's Life of Nelson, a biography of Arthur Wellesley, 1769–1852. From unused Apsley House, De Ros, Dumaresq, Hamilton, and Salisbury mss., etc. Describes his military career in India, in the Peninsula, and at Waterloo, and his work as Tory politician and prime minister, with some discussion of his influence on the army and on constitutional reform, some account of his private life, and notices of contemporary measures and men, Canning, Peel, etc. See also short biography, G. Hooper, 1889, and G. R. Gleig 4 v., 1858–1860.

Ath., 1899, 2:827.

MELVILLE, LEWIS.

Life of William Makepeace Thackeray. Chicago, Stone, 1899. 2 v. Portraits, plates. O. $7.50.

A biography of Thackeray, 1811–1863, novelist; from Thackeray's writings and from contemporary memoirs, books, or magazines; contains a history of Thackeray's career as humorist, artist, lecturer, in England and in America, with much about "Punch" and "Cornhill;" a few new letters and a bibliography based upon the bibliographies of R. H. Shepherd and C. P. Johnson. See also scattered memoirs by Mrs. Anne Thackeray Ritchie. There is a good short life by Herman Merivale, 1879.

Ath., 1899, 2:491 (unfav.); Quar., 190:138; Sat. R., 88:554.

MENDS, BOWEN STILON.

Life of Admiral Sir William Robert Mends. London, Murray, 1899. 16+380 p. Portraits, plates, plans, map. O. 16s.

The biography of William Robert Mends, 1812–1897, commander in the Crimea; by his son; contains little about his private character and home life, but throws much light on the mismanagement of the Crimean campaign (pp. 109–321) and on the development of the Admiralty transport department.

Sat. R., 87:659.

MILLAIS, JOHN GUILLE.

Life and letters of Sir John Everett Millais. New York, Stokes; London, Methuen, 1899. 2 v. Illus. portraits, plates. Q. $10.

The authorized biography of Sir John Millais, 1829–1896, English painter, president of the Royal Academy; by his son, author and artist; describes the career of Millais, his relations with the pre-Raphaelites, his friendships with Holman

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Hunt, Du Maurier, and others, his art work, home life, etc., with reproductions of many of the artist's paintings. Note also A. L. Baldry's little study (1899) of Millais as an artist and M. H. Spielmann's "Millais and his works, with special reference to the exhibition at the Royal Academy, 1898," the former of general interest, the latter of technical value.

Critic, 35:1101 (J. L. G. with illus.); Ath., 1899, 2:691 (unfav.).

OLIPHANT, MRS. MARGARET OLIPHANT (WILSON).

Autobiography and letters; edited by Mrs. Harry Coghill. New York, Dodd, Mead, 1899. 14+[1]+451 p. Portraits. O. $3.50.

The authorized biography of Mrs. Oliphant, 1828–1897, novelist and biographer; contains the autobiography to 1892 and the letters 1850–1897, together with a list of Mrs. Oliphant's published works, including her contributions to "Blackwood's;" throws light on her domestic life and on her literary work, but says little about any of her contemporaries except the Carlisles.

Ath., 1899, 1:555; Sat. R., 87:627; Nation, 69:301; Blackw., 165:895; Scot. R., 34:124; Ed. R., 190:26; Atlan., 84:567–573 (Harriet W. Preston).

PEEL, SIR ROBERT.

From his private correspondence; edited by Charles S. Parker. London, Murray, 1891–1899. 3 v. Illus. portraits, plate. O.

The authorized biography of Peel, 1788–1850, conservative prime minister and statesman; from papers now first published; contains a documentary history of his party and his times, a vindication of Peel. These Letters, together with the Speeches, 4 v., 1853, and Memoirs, 2 v., 1856–57, are the most valuable sources for the life of Peel. Of the biographies, that by W. C. Taylor and Charles Mackay, 4 v., 1846–1850, is the most extensive compilation.

Quar., 189:364; Ed. R., 189:285; Am. Hist. R., 4:721 (E. Porritt); Ath., 1899, 1:169; Sat. R., 87:179.

QUICK, ROBERT HERBERT.

Life and remains; edited by Francis Storr. London and New York, Macmillan, 1899. 7+544 p. Portrait. D. $1.50.

A biography of R. H. Quick, 1831–1891, schoolmaster and educational writer; from 40 notebooks, etc.; describes Quick's life and character; presents, from his commonplace books, material illustrative of the history of teaching and educational theory during the last thirty years, particularly observations upon books, the training of teachers, and the practice of examinations. Upon the general subject there is a good little history by Henry Holman, "English national education, a sketch of the rise of public elementary schools in England" (1839–1898), 1898.

Ath., 1899, 2:59; Nation, 69:156.

REID, SIR THOMAS WEMYSS.

Memoirs and correspondence of Lyon Playfair, first Lord Playfair, of St. Andrews. London, Cassell, 1899. 12+487 p. Portraits. O. 21s.

A memoir of Playfair, 1819–1898, scientist and Liberal politician; by the editor of The Speaker; contains matter relating to the Queen, Prince Consort, Prince of Wales, Peel, Gladstone, Edinburgh University, education, the exhibition of 1851, the Queen's jubilee, the Venezuelan question, travels in the United States, etc.

Ath., 1899, 2:656.

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ROBERTSON, CHARLES GRANT.

All Souls. (Oxford College histories.) London, Robinson, 1899. 16+234 p. Plates. D. 5s.

A history of All Souls 1433–1898, the graduate school of Oxford; from miscellaneous sources; contains an interesting description of the sixteenth century college, and of the constitutional development of the nineteenth century college; may be supplemented by Montagu Burrows's "Worthies of All Souls," 1874, the standard history of the college.

Ath., 1899, 2:247; Sat. R., 87:693.

ST. JOHN, SIR SPENSER.

Rajah Brooke: The Englishman as ruler of an Eastern State (Builders of Great Britain). London and New York, Longmans, 1899. 23+302 p. Portrait, maps. D. $1.50.

A short biography of Sir James Brooke, 1803–1868, rajah of Sarawak, Borneo, 1842–1863; by the sometime secretary to the rajah and consul-general in Borneo; contains an account of Brooke's attempt to regenerate the Malay, of relations with the Chinese, and with the pirates, illustrating British policy in southeastern Asia; with chapters on the present condition of Sarawak and North Bor neo, based upon reports in the two official journals, the Sarawak Gazette and North Borneo Herald. See also this author's larger work, 2 v., 1876; also the letters printed by Gertrude L. Jacob, 2 v., 1876; those edited by J. C. Templer, 1853, and the journals printed by Henry Keppel, 1847, and by R. Mundy, 1848.

Ath., 1900, 1:204.

SCOTT, EVA.

Rupert Prince Palatine. Westminster, Constable; New York, Putnam's, 1899. 7+381 p. Portraits. O. $3.50.

Biography of Rupert, 1619–1682, Royalist general; from Bromley Letters, 1787, Pythouse Papers, 1879, and miscellaneous sources; contains a vindication of the character and career of Rupert, with much relating to the civil war and the navy during the middle of the seventeenth century; Eliot Warburton's extensive compilation, 3 v., 1849, is still of use, but only for its documentary contents. The works of Coindet, 1854, and A. von Treskow, 1857, based upon Warburton, and of K. von Spruner, 1854, are suggestive.

Eng. Hist. R., 14:779 (S. R. Gardiner).

SELWYN, GEORGE AUGUSTUS.

His letters and life; edited by F. S. Roscoe and Helen Clergue. London, Unwin, 1899. 13+302 p. Portrait, plate. O. $3.50.

Correspondence of George Augustus Selwyn, 1719–1791, wit and politician; from the Castle Howard papers, first printed in the 15th report of the Historical Manuscripts Commission. Apx., pt. 6; contains letters written by Selwyn from 1767 to 1791, illustrative of the social life of the period. See also the popular work of J. H. Jesse, entitled "George Selwyn and his contemporaries," 4 v., 1843, which consisted of letters written to Selwyn.

Ath., 1900, 1:75; Blackw., 167:74 (G. S. Street).

SMITH, GOLDWIN.

The United Kingdom, a political history. London and New York, Macmillan, 1899. 2 v. O. $4.

A popular compendium of British history, from the fifth century to the present time, based upon some of the more recent research, contains a vigorous narrative of British political history, written from the liberal point of view.

Eng. Hist. R., 15:348 (S. R. Gardiner); Blackw., 167:541 (Scotland and Mr. Goldwin Smith, by A. Lang); Ath., 1899, 2:761; 1900, 1:5.

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SPALDING, THOMAS ALFRED.

Life of Richard Badiley, Vice-Admiral of the Fleet. Westminster, Constable, 1899. 7 + 315 p. O. 15s.

A narrative of the naval career of Richard Badiley, 1649–1657, from the state papers and other sources; contains an account of his relations with Rupert and with the Dutch, and a detailed narrative of his Mediterranean campaign. See also for the naval history of this period the very important "Life of Sir William Penn" by Granville Penn.

Eng. Hist. R., 15:196 (S. R. G.); Ath., 1899, 2:485.

STANLEY OF ALDERLY, MARIA JOSEPHA (HOLROYD) LADY.

Early married life of Maria Josepha Lady Stanley, with extracts from Sir John Stanley's "Praeterita;" edited by Jane H. Adeane. London and New York, Longmans, 1899. 16 + 461 p. Portraits, plates. O. $5.

Family papers, edited by a grandchild, containing extracts from Sir John Thomas Stanley of Alderley "Praeterita," 1766–1796, relating to his education, European travel, and career as a politician and soldier, and selections from the correspondence of his wife, Maria Josepha (Holroyd), 1769–1821, relating to politics, literature, and the drama, the whole illustrative of better life in Liberal circles in the reign of George III, and supplementary to the bright letters entitled "Girlhood of Maria Josepha Holroyd [1776–1796]," 1896.

Ath., 1900, 1:77.

STEVENSON, FRANCIS SEYMOUR.

Robert Grosseteste, Bishop of Lincoln; a contribution to the religious, political, and intellectual history of the thirteenth century. London and New York, Macmillan, 1899. 16 + 348 p. O. $4.

The standard biography of Robert Grosseteste, 1175?–1258, Bishop of Lincoln, 1234–1253; from the printed sources, especially Grosseteste's letters, edited by Luard, 1861 (Rolls series); describes Grosseteste's education, writings, relation with the friars, the King, and the papacy, showing the dominant character of his influence over the revival of religion, of learning, and of nationalism in thirteenth century England. Pegge's life, 1793, is a useful collection of materials; G. G. Perry's, 1871, an interesting little work, confines itself to his career as an ecclesiastical reformer; Joseph Felten's, Freiburg, 1887, is likewise a study of the church history of the time, from a scholarly German Catholic point of view.

Ath., 1899, 2:649.

TERRY, CHARLES SANFORD.

The life and campaigns of Alexander Leslie, first earl of Leven. London and New York, Longmans, 1899. 19 + 518 p. Portraits, plates, maps, plans. O. $5.

A study of the relations between England and Scotland, 1638–1647, and of the military career of Alexander Leslie, "the Goliath of the Covenant;" from the King's pamphlets, state papers, etc.; contains an account of the life of Leslie, 1582–1661, his education in the Thirty Years' War, his career in the Bishops' War, at Marston Moor, etc., with appendices of contemporary narratives and bibliographical list. For the diplomatic aspect of this league see Robert Baillie's Letters and journals, 3 v. 1841–42; for bibliography of the Covenanting movement, J. C. Johnston "Treasury of the Covenant," 1887.

Eng. Hist. R., 15:376 (S. R. Gardiner); Nation, 70:13.

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THEAL, GEORGE MCCALL, EDITOR.

Records of the Cape Colony, 1793–1806. Government of the Cape Colony, 1897–1899. 5 v. O.

The only printed collection of records of the Cape Colony, 1793–1806; from the mss. in the Record office, London; contains documents relating to the colony, (v. 1) from February, 1793, to December, 1796; (v. 2) to December, 1799; (v. 3) to May, 1801; (v. 4) to February, 1803; (v. 5) to July, 1806; see also the same editor's "Records of Southeastern Africa," 4 v. 1898–1899, from Portuguese mss. and books illustrating the past condition of the Bantu tribes south of the Zambesi.

Ath., 1899, 2 : 193.

TREVELYAN, GEORGE MACAULEY.

England in the age of Wycliffe. London and New York, Longmans, 1899. 14+380 p. O. $4.

A description of the England of the fourteenth century; from hitherto unused sources; contains a picture of English society, politics, and religion, especially during the period 1376–1385, and an account of leading events, particularly of the peasant's revolt of 1381. Note as an appendix to this "The Peasants' Rising and the Lollards," 1899, edited by Edgar Powell and G. M. Trevelyan, also the French study by André Réville, "Le soulèvement des travailleurs d'Angleterre en 1381; études et documents," 1898, Walion's Richard II, 2 v., 1864, for foreign relations, Lechler's Wiclif, 2 v., 1878, and note on the authorities for the period in Royal Historical Society; Trans. n. s,; 10 : 147–54.

Eng. Hist. R., 15 : 161 (James Tait); Am. Hist. R., 5 : 120 (G. Kriehn); Ch. Qu. 48 : 406; Ath., 1899. 1 : 389; Sat. R., 87 : 562; Nation, 68 : 483.

UNDERHILL, JOHN GARRETT.

Spanish literature in the England of the Tudors. New York, Macmillan, 1899. 10+438 p. D. $2.

A study of the Spanish sources of English Elizabethan literature, a doctoral thesis; from the sources; contains some account of the commercial and diplomatic relations between England and Spain, and of the influence of Spanish literature and thought in England, acting from Oxford as a center largely through the medium of translations; with lists of Spanish works in Tudor England, of English pamphlets relating to Spain, and of authorities on the contact of England and Spain. Note Chas. H. Herford, "Literary Relations of England and Germany in the Sixteenth Century," 1886.

WARD, ADOLPHUS WILLIAM.

Great Britain and Hanover; some aspects of the personal union, being the Ford lectures delivered in the University of Oxford, 1899. Oxford Clarendon Press, 1899. 6+1+218 p. D. 5s.

An essay upon the relations between Great Britain and Hanover, 1714–1837; from the Robethon papers and other sources, Richard Waddington's "Louis XV et le renversement des alliances" and "La guerre de sept ans, les débuts," W. Michael's "Englische Geschichte im 18. Jahrhundert," 1896, and other recent authorities; shows the effect which the Hanoverian succession had upon British European relations, particularly during the reigns of the first two Georges; information on British foreign relations during the eighteenth century. See also a general account of "Britain and Her Rivals in the Eighteenth Century," by Arthur D. Innes, 1895.

Ath., 1899, 2 : 682.

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WEST, SIR ALGERNON.

Recollections, 1832 to 1886. New York, Harper, 1899. 15+[1]+442 p. Portraits, plates. O. $3.

Memoirs of Sir Algernon West, 1822–1886, secretary to Sir Charles Wood at the India office, 1861–1867, and to Gladstone, 1869–1872, and chairman of the board of inland revenue; contains anecdotes about prominent men, especially Liberals, and some information regarding Sir Charles Wood and Gladstone.

Ath., 1899, 2 : 714; Spec., 83 : 874.

WILSON, BECKLES.

The Great Company, being a history of the honorable company of merchants-adventurers trading into Hudson's Bay. Toronto, Copp, Clark; New York, Dodd, Mead, 1899. 541 p. Illus. portraits, plates, maps. O. $5.

A detailed chronicle of the Hudson's Bay Company, 1660–1871; from the company's records, etc.; contains a full account of the company's commercial and political activities, with an introduction by the present governor of the company, and drawings by Arthur Heming; contains information on Canadian and commercial history. See a bibliography of this company in Winsor's Critical and Narrative History, 8 : 65–77, also a good short history of the other chartered companies by George Cawston, 1896.

WILSON, HENRY AUSTIN.

Magdalen college (Oxford college histories). London, Robinson, 1899. 10+291 p. Plates. D. 5s.

A short history of Magdalen college, 1448–1899; by a fellow, librarian, and founder's chaplain of the college, mostly from the printed sources edited by J. R. Bloxam and W. D. Macray; contains chapters on the contest with James II, the conditions in the time of Gibbon, etc. See, too, W. D. Macray "Notes from the muniments of S. Mary Magdalen college," 1882.

Spec. 83 : 819; Ath., 1900, 1 : 170.

WORDSWORTH, JOHN.

The episcopate of Charles Wordsworth, Bishop of St. Andrews, Dunkeld, and Dunblane, 1853–1892. London and New York, Longmans, 1899. 25+402 p. Portraits. O. $5.

A memoir of the public career of Charles Wordsworth, 1806–1892, Bishop of St. Andrews, etc.; by his son, from ms. notes and letters, printed works and contemporary memoirs; an examination of the character and issues of the bishop's public acts, relating to the eucharistic controversy and the reunion movement in the Scotch Church; supplements Wordsworth's Annals of his life, 1806–1856, 2 v. 1891-1893, and James Cooper "Revival of the Church of Scotland" 1895.

Ath., 1899, 1 : 721.

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